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Memo from Fredrick Töben

3 March 2014

The ultimate Battle-of-the-Wills

A warning to students of "Holocaust Studies" what can befall you if you dare ask questions

Financially speaking, February 2014 was a good month for me – not! I was fortunate because in this month I inherited $140,000, a welcomed gift for someone who for over three decades has never cared much about that obsession afflicting most of us at one time or another – making money!

Unfortunately because I am a bankrupt this money will go towards those who bankrupted me, the Sydney Jews who go under the umbrella name of Executive Council of Australian Jewry.

Throughout my life I have worried more about trying to make sense of what life is all about, trying to understand all those impressions that flood into our mind from the moment we are conceived; from the inarticulate period of innocent dependence to youthful exuberance and terrible self-doubt, then to maturing experience and independence – so I believed.

As a teacher, my primary aim was to develop and not to change the growing mind into what is already a given set of parameters, quite independent of societal constructs. Social engineering – today's political correctness/ cultural Marxism – became for me a no-no because it offends against our natural Godliness and embodies intellectual hubris, which is nothing but anti-Nature deception.

This growing-up process demands that we ask questions about anything at all with nothing relegated to a taboo topic, i.e. that which cannot be mentioned either privately or publicly.

I always imbued my students with this maxim: *You need to know everything possible about life, but you need not have done everything!* I formulated this when I was a primary student and a teacher labelled me "rude" for asking too many questions. Wanting to know is the hallmark of an enquiring and developing mind that is out to hunt for the questing beast!

As someone who was born in Germany in 1944, arriving in Australia ten years later, it became apparent to me that there was something special about being a German. The culmination of this realization occurred during the early 1980s when as a teacher of English I would attract criticism from those students I tried to imbue with clear speech. I still blame my own English teacher, Miss Kitty O'Sheah, who taught English to us 3B Boys at Kyneton High School, for getting me interested in the finer aspect of language education. She even used the word "elocution", the meaning of which I slowly began to appreciate.

I refuse to go along with the prevailing trend pervading English departments, and was rewarded by a girl whom I had admonished for mumbling. She was a straight talker: 'I don't want to talk as poofterish as you!'. Another student called me a 'poofter Pommy bastard', thinking I was English. When students found out about my German background, then the usual "Hitler-Nazi" nonsense came to the fore.

This was not surprising because in Social Science classes teachers delighted in talking about World War Two history – and the essence of that was: Hitler, the absolute evil of this world, killed six million Jews in gas chambers.

And thus began for me the "Jewish Problem" – and also during the late 1970s and early 1980s we saw the global emergence of Revisionist Historians who focused on World War Two history, and specifically on what traditional historians adopted without question: The emerging Holocaust narrative.

Fortunately in 1992 my application for teacher registration in South Australia was granted and so in 1994 I emerged from my Victorian Education Department teaching crisis and again entered the classroom at Adelaide's Marryatville High School – see: *The Boston-Curry Party.* I also founded Adelaide Institute with a group of like-minded individuals who prior to that had individually held exhibitions and meetings canvassing, among other things, the ever-growing "Holocaust Industry" and its obsession in imposing its one-sided narrative on school and university curricular.

By 1996, on account of Adelaide Institute developing a website presence, I was gunned for by the Sydney-based self-styled Executive Council of Australian Jewry, headed by Jeremy Sean Jones, Peter Werthheim, and later aspiring politician and solicitor Stephen Lewis. It was an easy task for them to complain directly to the then Human Rights and Equal Opportunity Commission-HREOC, where Kath McEvoy, law lecturer at Adelaide University became a commissioner to hear the matter under the Racial Discrimination Act-RDA.

Jones, had refused conciliation moves that HREOC suggested occur as the first step in resolving a grievance. Instead, Jones pressed hard to have a public hearing. After all, that is how fraudulent democrats operate – incite through the media against those they oppose, then refuse to discuss any grievances and

instead quickly rush into a legal framework whose parameters they set up.
Kirsty Gowans, formerly of HREOC, stated to me that the commission is a political animal that has nothing to do with seeking justice! In 2007 I agreed to apologise and signed an agreement that then turned out to contain things I didn't agree to, and so I had to withdraw from it – see:
http://www.adelaideinstitute.org/HomePage28April2009/toben_memo_bankrupt_2012.htm
Then in 2008 I apologised to the court for upsetting it, but the judge saw that as my trying to get out of a prison sentence, which to me reveals more about that judge's moral and intellectual integrity.
This fact of the legislation and its implementation reflecting a specific mindset reminds me of Giordano Bruno when addressing the judges who sentenced him to burning at the stake that they should fear their judgement more than he fears the death sentence.
Under Section 18c anything said or written "that is likely to offend" is deemed to cause an offence and activates the powers of the RDA. This section in effect protects "hurt feelings"– and when Holocaust material is openly debated, then hurt feelings begin to flood into a discussion, and those who seek the physical truth of a matter are then found guilty of an offence.
I walked out of the Sydney hearing because the commissioner refused to answer my basic question: 'Is truth a defence in these proceedings?' I then added: 'If truth is no defence, then lies flourish and the hearing becomes immoral'. That was in 1998, and because HREOC did not have enforcing powers, the matter progressed to the Federal Court of Australia.
Meanwhile, my evidence against the claim that our work was not of an academic nature consisted of the 1993 J S Hayward thesis: : *The Fate of Jews in German Hands: An Historical Enquiry into the Development and Significance of Holocaust Revisionism*. Thesis (M.A.). University of Canterbury, 1993.
In August 1998 Hayward had forwarded to me an original typed copy, and he was also to have appeared at Adelaide Institute's Revisionist symposium at the beginning of August but owing to not feeling well could not do so. Pressure was placed on him that led to his resignation from Massey University, New Zealand, and later to a recanting of the conclusion in his thesis. When I later visited him at his home he advised that he had received death threats. Years later he obtained a job at a military academy in England, then converted to Islam. So, he's done the full round on this aspect of his mind's development – from being Jewish to a Christian then to a Muslim.
When Hayward recanted, I asked him to give me the factual reasons on which he had based his decision to re-cant – I am still waiting for such reasons. It must be remembered that the Hayward affair rests on a German legal precedent, which itself rests on a National Socialist law. In 1983 German Judge Wilhelm Stäglich had his 1951 awarded doctorate of law revoked by the University of Göttingen on account of Stäglich having written *The Auschitz Myth – Legend or Reality*, a book detailing his experiences at Auschwitz during World War Two.
In 1999 I spent seven months at Mannheim Prison because of my desire to learn more about the German legal approach to this matter. The Germans have a special law, Section 130 that criminalises anyone who is accused of "defaming the memory of the dead", which applies to matters "Holocaust-Shoah" only. This law is a watered-down version of defamation law where no defence is possible. If lawyers mount a defence in court, then they become liable to a charge – so, my lawyer remained silent throughout the proceedings and I received a ten months prison sentence, but was immediately released on 11 November 1999 upon paying a bond because of my good behaviour. I had become the official prisoners' representative, something that displeased the public prosecutor because he had painted me as a "violent neo-Nazi'.
In 2000 Canterbury University, New Zealand, reacted to New Zealand's Jewish groups agitating to have the Hayward thesis demoted to a B.A. It initiated an enquiry, which profusely apologized to New Zealand's Jews, but it refused to demote the thesis because it considered Hayward had not been dishonest in his research.
In November 2005 Germar Rudolf, was extradited from the USA and spent over three years locked up, but he was lucky because he did not repeat his defence in closing argument, as did Ernst Zündel, who in 1995 received the full obligatory five years maximum for his daring to challenge the facts of the 'Holocaust".

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The formal HREOC decision of 5 October 2000

The successor to HREOC, the **Australian Human Rights Commission**, among other things, states on its website at
https://www.humanrights.gov.au/publications/guide-racial-hatred-act:
*Fredrick Toben was ordered to remove material on the Holocaust from the Adelaide Institute's website. Although Toben claimed the material was a genuine examination of the historical record, HREOC Inquiry Commissioner McEvoy found that it was unpersuasive as such and that its main purpose was to humiliate and denigrate Jewish people (*Jones and Members of the Executive Council of Australian Jewry v Fredrick Toben on behalf of the Adelaide Institute*, 5 October 2000).*
Nowhere have I seen stated that I in fact wiped the website and started again because I could not make sense of the orders made.
Many Australians will recall Pauline Hanson's One Nation political movement that was also brought before HREOC, and its decision eight months earlier upset a lot of individuals.
In finding that the book ***Pauline Hanson the Truth*** *and comments about it to journalists by One Nation leaders were not unlawful, HREOC Inquiry Commissioner Nader said: "… the statements of the respondents must be regarded as done reasonably and in good faith for a genuine purpose in the public interest, namely in the course of a political debate concerning the fairness of the distribution of social welfare payments in the Australian community" (*Walsh et al v Hanson and One Nation*, HREOC Inquiry Commissioner Nader, 2 March 2000, unreported).*
From the above quotes that express different perspectives it was quite obvious that the Human Rights movement was indeed a political movement where the truth of a matter had become irrelevant. Worse, under the guise of a racial aspect it began to enshrine within a legal framework an orthodox version

of history, in particular what became known as "Holocaust Studies". Anyone who dared question any sweeping generalisations was immediately branded a "Holocaust denier", an "anti-Semite", a "racist" etc. and accused of being a Hitler fan.

*

The Töben matter progresses to the Federal Court of Australia

When Federal Court justice Catherine Branson was assigned to my matter, I advised her that I could not get legal aid and that I could not go on. By this time she had also refused to answer my question where truth resides within the human rights legislation.

She advised that on the fact of my having tertiary education it would be a matter of reading some books and then do the defence myself. I used this comment to seek her removal from the case on account of bias, etc.

The matter was heard on 21 May 2002 before three judges - MADGWICK, DOWSETT & STONE – and their decision was handed down on the same day. I vividly recall how during the hearing Justice Dowsett figuratively fell off his chair as he exclaimed, and which appeared slightly revised in the written judgment: *I agree and wish only to add some comments of my own concerning the question of alleged bias. The allegations made by the applicant against Branson J were completely without demonstrated substance and based entirely upon his own unreasonable misinterpretations of quite innocent statements by her Honour. The measured tones in which he made his attack did nothing to conceal its complete lack of substance. It was, in my view, outrageous in its condescension. Such an attack upon the intellectual capacity and integrity of a judge of a superior court is, in my experience, virtually unprecedented-*

http://www.austlii.edu.au/au/cases/cth/FCAFC/2002/158.html

My failure to have Branson J removed from my case resulted in the Applicant, Jeremy Sean Jones and his solicitor, S Rothman SC, now Justice Rothman, to seek a Summary Judgment, to which she agreed and that handed down on 17 September 2002:

http://www.austlii.edu.au/au/cases/cth/FCA/2002/1150.html

The details of my court appearances can be found in my Senate Submission, below;

Of interest is that Catherine Branson left the Federal Court, then headed the Human Rights Commission as its president for four years, and as such addressed the Australian College of Educators annual Sydney conference on 14 July 2011, which I attended. During question time I again asked her where the concept truth resides within the human rights legislation. She again failed to answer my question.

*

Compulsory Holocaust Education – since 2013

It is now compulsory for secondary students in the New South Wales school system to study "Holocaust", a subject that premises three primary so-called historical facts: 1. During World War Two the German state systematically – industrial killings – exterminated six million Jews; 2. The murder weapon was mainly homicidal gas chambers; 3. The place at which this occurred was mainly at the Auschwitz concentration camp in Poland.

Students who question any aspect of these pillars on which this "official" Holocaust narrative rests will open themselves to criticism, if not to vicious defamatory attacks where the labels used against them are: "Holocaust denier", "Antisemite", "racist", "Nazi", "homophobe', "sexist", even now "terrorist".

Is it therefore wise to remain uncritical, to submit to what the teacher imparts during lesson time, and to avoid raising any issues that may further clarify the contradictions contained in the narrative and that, especially since the early 1970s Holocaust Revisionists have pointed out?

For example, two years after the 1988 Zündel Toronto Holocaust trial the 20 plaques at the Auschwitz concentration camp were removed, which listed the number of individuals killed as four million: *Four Million People Suffered and Died Here at the Hands of the Nazi Murderers Between the Years 1940 and 1945*, which in 1979 Pope John Paul had blessed.

His successor, Pope Benedict likewise blessed the new plaques with the number revised down – from 4 million to 1.-1.5 million.

The question to ask is: On what evidence is such a drastic reduction of numbers based? Further: Why is the six million total number not reduced/amended accordingly? And - should there not be a rejoicing of a death figure being reduced to such an extent? An obvious response to this is that only one Jew killed is one too many, as Professor Yehuda Bauer stated at Melbourne in 1991.

As "Holocaust Studies" are designed ethically/morally to impart valuable historical lessons to our successor generation, then it should be permitted to question any aspect of this narrative. Without a questioning of the details of such historical happenings the subject becomes a spring board for launching an expression of open racial hatred against Germans and that of their collaborators during World War Two.

If anyone is interested, then go to a copy of the Jerusalem Post of 22 September 1989 and you will find a comment by Israeli Professor Yehuda Bauer stating that the myth of the four million should be removed. Revisionist Jürgen Graf claims that the actual Auschwitz number should be around 136,000 dead – and these deaths are not caused by gassings!

In 1976 Professor Arthur Butz wrote a book about the Holocaust: *The Hoax of the Twentieth Century*; Professor Robert Faurisson's challenge of three decades ago remains unfulfilled: *Show me or draw me the homicidal gas chambers at Auschwitz!*; I have a letter from the then curator of the US Holocaust Memorial Museum, Michael Beerenbaum, wherein he states that the museum has no gas chamber as an exhibit because there are no original gas chambers available, but that it has an exhibit of a gas chamber door with a peephole! I have a copy of *The Rudolf Report*, wherein the allegation of gas chamber use at Auschwitz is scientifically disproven – the book is banned in Germany and Austria.

These are my pillars of scientific enquiry into the allegation made against Germans that they systematically exterminated European Jewry mainly in homicidal gas chambers. But I go further and beyond this allegation because I wish to know and understand why such accusation is levelled at Germans. Interestingly, as soon as anyone challenges the official narrative of post World War Two history, the allegation is made that such a questioning is aimed at "rehabilitating Hitler and the Nazis", which is a nonsense, especially if the current world view contains misrepresentations, distortions, exaggerations and outright factual lies.

Fortunately – or unfortunately for those who hate to have their world view challenged –in order to make sense of the present global political troubles, an active critical brain will need to know what happened in the past – and only then can a vision of one's own future be mapped out with some clear perspective with which it is possible to develop a coherent Weltanschauung world view.

If this is not permitted to occur, then the upcoming generation remains imprisoned in the present where the only escape is a fleeing into sense gratification-hedonism, into consumerism, into the proverbial bread-and-circus phenomenon, for example, of Reality TV shows. Such a mindset, sadly, is the hallmark in many government secondary schools that are locked into propagating "Holocaust Studies".

The catch-cry of such a world view is: CHANGE! If you hear this word, then it is imperative you ask a fundamental question: change to what? A better directive is to offer students the concept of DEVELOPMENT because then it is possible to ask: Is that what is suggested and ought to be done a developmental process, an improvement on what is, or is it just busy work, which becomes a degeneration of a situation?

Students need to ask whether the study project is an historical factual matter or whether it is an ideology, even a religious dogma that they are asked uncritically to believe and accept as true. A serious student does not wish to believe but wishes to know basic facts that help to explain basic facts of life.

*

Sanctioning the concept "Holocaust denial" – a RACIAL/RELIGIOUS matter

Interestingly, United States President, Barak Obama, aligned himself with the promoters of the "Holocaust dogma" and with the Zionist movement, and labels those who refuse to accept the official version as 'Holocaust deniers'. See: *President Barack Obama Denounces Holocaust Denial* – http://www.youtube.com/watch?v=4X1nEEPGYlU

And on 25 September 2012 President Obama, while addressing the United Nations General Assembly, moved the "Holocaust" narrative into the realm of religion – he mentions Christianity and Islam but not the Jewish religion: View: *Obama likens the Jewish Holocaust to a religion* http://www.youtube.com/watch?v=2S7Ts0LKgqE

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The legal constraints, a reminder:

Since Section 18c of the Racial Discrimination Act was introduced during the 1990s three individuals were targeted by Sydney's organised Jewry: Mrs Olga Scully-Tasmania, Anthony Grigor-Scott- NSW, and Fredrick Töben – South Australia. Grigor-Scott escaped from their clutches on appeal, Mrs Scully was found guilty and bankrupted and I was found guilty and ultimately imprisoned and bankrupted.

Section 18c - "to offend, insult, humiliate or intimidate"

Offensive behaviour because of race, colour or national or ethnic origin

1. It is unlawful for a person to do an act, otherwise than in private, if:

a. the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and

b. the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

SENATE SUBMISSION
– sent to all Federal Parliamentarians in Canberra, ACT

Memo from Dr Fredrick Töben – Adelaide – toben@toben.biz

Re: A MATTER OF VALUES

Truth-telling is a moral virtue, not an Antisemitic Act!

***Remember – on 5 February 2013 at 15.10 hours at its first Commonwealth Parliamentary Question Time The Hon Julie Bishop, reinforced by The Hon Christopher Pyne, directed a question at the new Attorney-General, The Hon Mark Dreyfus, about the illegality of West Bank settlements but the Speaker dis-allowed the question! No wonder Israel has just arrested Palestinian West Bank Parliamentarians**

*

6 February 2013

Dear

On 4 February 2013 ABC TV's ***4 Corners*** program featured an in-depth investigative story about US bike-riding champion Lance Armstrong's decade-long lying about his drug-taking and race-fixing activities. Then, a day later, Europol announces that a corruption investigation is under way about extensive European football match fixing.

From personal experience I am quite familiar with a similar pattern of conspiratorial deception, lying and legal bullying; in my case, it is for the sake of suppressing the truth about an historical event. For twenty years now I have investigated the alleged truth content of statements made about the historical event known as 'Holocaust-Shoah'.

Since 1996 I have been legally persecuted under the Racial Discrimination Act, especially under that notorious section 18.c where a Complainant's 'hurt feeling' is enough to prove and action and find a Respondent guilty of an offence.

My submissions to the Parliamentary Enquiry into the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012 details this legal persecution. My submission is numbered 560 and it has been declared **Confidential**.

I now release my two submissions for your consideration.

Yours sincerely

Fredrick Töben, DPhil, MACE.

Adelaide

M: 0417088217

From: Dr Fredrick Töben, Adelaide toben@toben.biz

SUBMISSION to the Parliamentary Enquiry into the EXPOSURE DRAFT of the HUMAN RIGHTS and ANTI- DISCRIMINATION BILL 2012

16 December 2012

1. Introduction

The philosophical underpinnings of any discrimination ideology need to be illuminated and clarified, which is lacking in the DRAFT. For example, any thinking person discriminates because the act of thinking is itself a discriminatory act, which indirectly is acknowledged by the much-used concept of 'choice', i.e. giving individuals choices when acting upon a matter.

Thinking is thus a critical activity that clarifies basic human values wherein the universal 'battle-of-the-wills' is resolved, hopefully, in a civilised way.

The criteria that are legally protected from criticism – race, religion, sex, disability, et al, encompass fundamental human values. Any legal sanction that prevents an open discussion on any fundamental human matter on grounds that such a discussion is discriminatory has the potential to turn the discrimination ideology into a blunt political instrument. For example, if the DRAFT advocates criminal sanctions, then a public debate on some political issue such as objections to Israeli fruit imports to Australia can lead to a criminal conviction. An aggrieved person who develops 'hurt feelings' because another person objects to such imports and expresses such objection in strong language, will receive legal protection under the DRAFT. The protester, however, has no defence against the accusation that his protest is 'offensive and insulting'.

The very political nature of such public protest acts will inevitably reveal behind-the-scene machinations that flow into any subsequent legal action contained in the DRAFT. This is because a Complainant need not prove the quantum of hurt by any objective means, for example by submitting a medical certificate The fact that anything can be deemed to be offensive – from the verbal to the non-verbal glance, to the outright physical attack – is an accepted fact, and which a victim mentality mindset is able to exploit. It is interesting that a successful discrimination act will in most instances be resolved through monetary compensation. This means that a psychological state is assessed and comforted materialistically, which is problematic.

2. A 17-year legal battle – a practical example of injustice emerging from an application of the RDA - DRAFT

The fact that since 1996 I have been legally persecuted under the RDA, especially its notorious Section 18c – "reasonably likely to offend, insult…" is reason enough for me to submit a brief informative narrative of my long battle for your consideration. It is important for lawmakers, such as our political representatives, to know about and be aware of the practical effects such unjust laws have on individuals whose behaviour is based on sound principles and lofty ideals. I say this as a teacher who has lived by his cherished belief that the most precious gift with which we can imbue our next generation is the ability to discern truth from lies and deception.

For 17 years Mr Jeremy Sean Jones, Executive Council Australian Jewry, pursued me first before HREOC, then in the Federal Court of Australia.

HREOC's attempt to be a mediator in our differences of opinion on matters 'Holocaust-Shoah' failed because the complainant Jones could not be forced to attend a conciliation meeting, and he refused to even indicate he had an interest in doing so.

When the matter proceeded to the FCA it was clear that Jones' intention was not to settle the dispute amicably but to have a court ruling that placed a gag on open discussion about matters 'Holocaust-Shoah'.

He claimed that the material we published on Adelaide Institute's website was causing not only him great hurt and anxiety but also all the 'Holocaust' survivors and their descendants living in Australia, yet neither Commissioner McEvoy nor Justice Branson ever asked Jones to submit a medical certificate that proved his mental state was being affected by what we had published. In effect it was his word against mine.

Also, my contention before the Commissioner and in the FCA was that the RDA legislation under which we were appearing was fundamentally flawed because TRUTH was not a defence, and 'hurt feelings' of only particular complainants, such as those claiming to represent Jewish interests, were protected. The recent Andrew Bolt case that cost the *Herald and Weekly Times* over a million dollars to defend publicly clarified this legal injustice.

To counter the Jones attack I submitted a complaint to HREOC wherein I stated that anyone who canvassed matters 'Holocaust-Shoah', in particular stating that during World War Two Germans systematically exterminated in homicidal gas chambers, especially at Auschwitz detention centre, European Jewry, then as a German-born Australian I take it as my right to ask the question: 'Was my father a mass murderer, were the German people responsible for the death of six million Jews?'

I also stated that I am deeply hurt and offended when I hear this kind of war-time propaganda, and so I ask questions and I conduct research into the allegation. My research trips in 1997 and 1999 resulted in my claiming that I consider the 'Holocaust-Shoah' to be a massive historical lie because technically/physically Germans could not have done what is claimed they did.

Instead of discussing the contentious matters objectively all I received from Jones and the media was defaming abuse. The words that are designed to stifle debate on this contentious historical issue are: **HATER, HOLOCAUST DENIER, ANTISEMITE, RACIST, NAZI**.

3. Dangers within the RDA – modelled on Germany's Section 130

In this context it must be remembered that when the Soviet Union was established in 1917 two words were criminalised: ANTISEMITE and REVISIONIST, and anyone labelled by the former word was shot while the latter attracted banishment to the GuLags.

Through this current legislation we are again, by stealth and high-minded rhetoric that claims to protect a person's well-being, moving into the Soviet-era style of legislation where uppermost Jewish interests are protected. This focus on a minority's self-interest disregards the mental well-being of the majority in whose interest it is not to be living on a state-enforced ideological lie.

There are legal practitioners who consider my views 'abhorrent' and when they conduct a case in the FCA, they make it clear to the judges they are towing the official line on matters 'Holocaust-Shoah', i.e. so they cannot be labelled 'Holocaust denier', 'antisemite', or horrors-above-horrors a 'racist'.

This stifling public/social effect means that the RDA is modelled on the notorious German Penal Code's Section 130 that criminalises 'defaming the memory of the dead'. This has the effect that any matter concerning the factual details of World War Two are off-limits in any public discussion. In other words, a section of history has been mythologised and is set in legal concrete.

If something is offensive, then we have defamation laws that can be used to seek redress but this RDA legislation is a watered-down version of defamation law. There is also the political agenda marked by the Talmudic-Marxist class dialectic of win-lose. This perverse dialectic is driving a social agenda that will, as in the Soviet Union's case, ultimately self-destruct. But in the meantime millions of individuals suffered injustices as vested interests, such as the Jewish-Zionist lobby, push their personal agenda along at the expense of mainstream Australian society.

4. No Legal Aid – leading to bankruptcy

At the basic matters-of-fact stages the issues before the court are fleshed out, but in my case I could not afford legal representation and both Commonwealth and State Legal Aid Services refused to assist. This meant I had to do all the legal matter myself – but my academic training has been in literature and philosophy where sound moral principles and ideals are my guide. I developed the maxim: 'Do I tell the truth or do I obey the law? The Talmudists-Marxists will state: 'Obey the law' while I use the Hegelian dialectic and state: 'Do both'.

However, if a law is wrong and unjust, then it is my duty to navigate gently through this injustice so that I can still obey the law and tell the truth. That is what most concerned citizens do, and only in extreme cases would anyone directly challenge unjust laws. Unfortunately the Canberra lawmakers are aware of this and so the legislation is subtly formulated to reflect the sincere concerns of those who do need social protection for whatever reason. Fortunately British Common Law still has basic safeguards that rest on tried legal principles such as Natural Justice, which I certainly did not receive.

It was only at the matters-of-law stage that I gained pro-bono representation, but then it was already too late. In this respect Australia is also following the Canadian model in persecuting 'Holocaust-Shoah' matters under the false 'racist' concept. In fact, the RDA is primarily designed to catch and to protect the official 'Holocaust-Shoah' narrative, which is Israel's

primary propaganda weapon that justifies its ethnic cleansing of Palestine.

In my case the judges involved in my matter were not Jewish but they bent to Jewish pressure, which enables me to state they became morally and intellectually bankrupt.

The consequences of my long legal battle led to its final conclusion when on 24 September 2012 I was declared a bankrupt. In November 2010 Jones had asked for $56 000 court costs and I offered him about $30 000, which he rejected. The law firm negotiating the settlement stated that Jones doesn't want the money but seeks my bankruptcy, which lawyer Steven Lewis confirmed in July 2010 when he, as hopeful Labor Party candidate for Wentworth, addressed a political meeting of the NSW Jewish Board of Deputies and claimed for the past four years he had done good service to the Jewish community by sending Töben to prison for contempt and 'we're about to bankrupt him'.

I sold my home of 17 years to raise the necessary money. Then this year another court cost claim was made for $175 000, and that I could not pay and so I was declared bankrupt for three years.

The list of orders against me is a long one:

Federal Court of Australia Judgments against Töben

1. **Jones v Toben [2000] HREOCA 39 (5 October 2000)** Human Rights and Equal Opportunity Commission; 5 October 2000;
2. **Toben v Jones [2002] FCAFC 158 (21 May 2002)** Federal Court of Australia - Full Court; 21 May 2002;
3. **Jones v Toben (includes explanatory memorandum) [2002] FCA 1150 (17 September 2002)** Federal Court of Australia; 17 September 2002;
4. **Toben v Jones [2003] FCAFC 137 (27 June 2003)** Federal Court of Australia - Full Court; 27 June 2003;
5. **Jones v Toben (Corrigendum dated 20 April 2009) [2009] FCA 354 (16 April 2009)** Federal Court of Australia; 16 April 2009;
6. **Toben v Jones [2009] FCA 585 (2 June 2009)** Federal Court of Australia; 2 June 2009;
7. **Toben v Jones (No 2) [2009] FCA 807 (30 July 2009)** Federal Court of Australia; 30 July 2009;
8. **Jones v Toben (No 2) [2009] FCA 477 (13 May 2009)** Federal Court of Australia; 13 May 2009;
9. **Toben v Jones [2009] FCAFC 104 (13 August 2009)** Federal Court of Australia - Full Court; 13 August 2009;
10. **Toben v Jones (No 3) [2011] FCA 767 (8 July 2011)** Federal Court of Australia; 8 July 2011;
11. **Toben v Jones [2012] FCA 444 (3 May 2012)** Federal Court of Australia; 3 May 2012;
12. **Toben v Jones [2012] FCA 1193 (31 October 2012)** Federal Court of Australia; 31 October 2012;

5. Free Expression in danger

The most precious value we have within our democratic framework is free expression because without it our thinking processes are stifled and suppressed – often through fear of legal consequences. If dissenting voices are silenced, then a society loses the value/quality of trust and personal relationships fall apart.

This phenomenon I witnessed at first hand while travelling through the Soviet Union during the early 1970s. The country, as its Eastern European dependencies, lacked 'soul'. There was security control everywhere – much of what we now see happening in Australia as government agencies barricade themselves from public intercourse under the pretext of security concerns.

Likewise at universities the situation is of some paranoia flowing into expressed administrative concerns. One of the prime reasons is that educational courses on matters 'Holocaust-Shoah' at school and university level do not permit dissenting voices to express unorthodox or speculative view-points. Lecturers threaten students who ask probing questions with: 'Your question borders on the offensive.'

Such anti-intellectual stance is not conducive to our students' moral and intellectual development and the HR&ADB 2012 does nothing to safeguard an individual's free expression, which is the hallmark of our Australian democracy.

In fact, even in the USA where the First Amendment has been securing free expression for all Americans, it has come under attack by notorious Zionist, Professor Alan Dershowitz, who has split free expression into: 'free speech' and 'hate speech'. Anything offensive to Jewish interests is considered to be a 'hate crime', as is matters 'Holocaust-Shoah'.

This trend is now manifesting itself in Australia, and the HUMAN RIGHTS and ANTI- DISCRIMINATION BILL will give legal force to the word 'hater', and also to the word 'denier' as we have witnessed in the Climate Change debates. When individuals run out of arguments and their overarching narrative does not accord with the physical facts – thereby creating an ideology such as we witnessed in the Soviet Union and its Marxism-Socialism – then the word 'denier', for example will be used to silence any opposition, which for example claims strict objective scientific criteria can never produce an 'absolute' result. Science is not absolute and there is always a margin of error involved in any research results.

When some public figure claims, for example, 'the science is in, it's beyond debate', then that is someone trying to sell a product. It may be politically expedient to talk like that but a scientist knows all results are subject to a margin of error and to revision as soon as new information comes to hand – which is

inevitable. The quip is still current: 'There are liars, bloody liars, and statisticians', and one may add to that – 'and politicians'.

6. Publishing and Internet Censorship

As regards DRAFT Division 5 Clause 53 'Publishing etc. material indicating intention to engage in unlawful conduct' is a subtle but vicious way of stifling debate. In 2002 Mrs Olga Scully was found guilty in the FCA for publishing and distributing material that clarified matters about her Russian background and how significant Jewish influence was in setting up the Soviet Union government. Justice Heley rejected her defence that she was acting and doing things 'reasonably and in good faith, to publish or display material'.

The proposed legislation will continue to be used by those who oppose and suppress a public airing of historical matters involving Jewish interests. I always wonder what these suppressors of public debate have to fear! Truth is a powerful weapon but in the case where the RDA operates and the proposed modifications come into effect, truth will not be a protective shield from legal persecution because the sword formed by the words hater, Holocaust denier, antisemite, racist, Nazi, will continue to slay free expression, and that mercilessly.

The current public discussion about Israel's treatment of the Palestinians, and the 29 November 2012 UNGA vote granting the Palestinian Authority observer status, is a prime example where these usual words are used to stifle an open debate on this contentious public interest topic.

I have endured such verbal abuse for almost two decades now and I have had no recourse publicly to counter those who engage in such abuse because the print and electronic media outlets ride on the same platform. The Internet has given me the opportunity to freely express my views – though this did not protect me from being incarcerated three times in three different countries – Germany, England, and Australia.

Although the FCA found me in contempt of court the Australian regulatory authority gave our websites an 'M' rating, which again upset Jeremy Sean Jones. We do not deal with pornography nor do we incite hatred.

However, as stated above, under the DRAFT any point-of-view expressed that challenges an official narrative can be regarded to be in breach of the Act. For example, before the hypothesis HIV=AIDS had been legally anchored in legal concrete and thus globally protected, the dissenting voices who dared state that the hypothesis needs to be 're-evaluated' were drowned out and sidelined by powerful interest groups. Dr Peter Duesberg and Elenie Papadopolous-Eliopolous have been waiting since 1984 for upholders of the HIV=AIDS hypothesis to show HIV in isolation. Their claim that other factors are causing AIDS, especially life-style issues, and this is unacceptable and offensive to those who have embraced the orthodoxy HIV=AIDS. Dissenting voices were vilified as 'AIDS deniers' – end of discussion.

7. Innocent until Proven Guilty

The fact that Clause 124 throws overboard a basic British Common Law principle is enough reason to designate this attempt at legislating alleged social protection for the vulnerable as a devious attempt to change Australia's basic legal tradition and enforce an unacceptable societal mix.

If Complainants do not have to prove their case anymore, then the ugly trend already seeping through the legal back door will become a flood – individuals spending time in prison without being charged.

This is making retroactive law enforcing child's play – but the health of our society will suffer, as it already is by having laws that are filling our gaols to the brim on account of social support mechanisms breaking down because we are celebrating hedonistic materialism to the full.

As indicated above, overseas precedents of discrimination have been followed in matters 'Holocaust-Shoah' to successfully muzzle open enquiry and thereby protect one view of this historical narrative. We don't need this kind of historical censorship because our society is mature and tolerant enough to embrace the overarching moral principles embodied in truth-telling. Without this quality/value our society loses the element of trust, which then rots relationships and draconian controls need to be applied. The DRAFT suggests that the value of 'trust' is already eroded and hence the need to implement the DRAFT!

8. Conclusion

This is in the form of three questions to the lawmakers:

1. Will the dictatorial implications contained and activated in the DRAFT be limited in legal proceedings by an application of basic concepts such as Truth and Justice?

2. Will the proposed new Human Rights Act accord me the human right to question certain aspects of history without being labelled and defamed as a 'hater', 'Holocaust denier', 'antisemite', 'racist', 'Nazi'?

3. Will Legal Aid be available to those brought before the courts so that a competent legal defence can be mounted at the matters-of-fact stage of proceedings?

From: Dr Fredrick Töben
Adelaide toben@toben.biz M: 0417088217

SUBMISSION to the Parliamentary Enquiry into the EXPOSURE DRAFT of the HUMAN RIGHTS and ANTI- DISCRIMINATION BILL 2012
Senators Trish Crossin, Susan Boyce, George Brandis, Mark Furner, Garry Humphries, Louise Pratt, Scott Ryan, Penny Wright.

To: Enquiry Secretary
Ms Jackie Morris - Jackie.Morris@aph.gov.au
FURTHER SUBMISSION: 27 January 2013
Dear Committee Members

I had the benefit of attending both your sessions - in Melbourne on 23 January and in Sydney on 24 January 2013.

I noted that not a single submission insisted on including the concept TRUTH as a fundamental guiding principle when enacting human rights legislation. On the second day of the hearing I approached Committee Deputy Chair Senator Garry Humphries requesting permission to address the Committee. Both he and the Chair, Senator Trish Crossin, discussed the matter and the Enquiry secretary Jackie Morris advised me of their decision, i.e. it was not appropriate for me to be given such an opportunity.

Later Senator Humphries advised me that I should send in another submission on this matter of Truth that I was worrying about, which I now do in the following:

1. During the various submissions I noticed that whenever he could Senator George Brandis made much of Andrew Bolt's legal case having activated Section 18c of the RDA. However, Senator Brandis failed to stress that Justice Mordecai Bromberg's judgment against Bolt rested on a precedent set by my case before Justice Catherine Branson in the FCA on 17 September 2002, confirmed on appeal on 27 June 2003. Only Senator Scott Ryan mentioned in passing that not only did Andrew Bolt get caught by the RDA but also 'Holocaust deniers'.

2. It must be noted that in 2009 Senator Brandis 'finished-off' the President of the Human Rights Commission, Catherine Branson, when he grilled her about the Australian Human Rights Commission having attended the UN Durban II conference as observers, which Brandis saw as a contravention of Australia's political stance adopted against the political agenda embodied in the UN's Durban Conference. Branson did not see out her five-year contract and departed in the middle of 2012 at the end of her fourth year to spend more time with 'family'.

3. At our 2010 annual national conference of Australian College of Educators in Sydney the President of the Human Rights Commission, Catherine Branson, delivered a keynote address about bullying in schools wherein she stressed the importance of teaching human rights in schools. During question time – and only two questions were allowed – I asked her where the Truth concept is to be found within the human rights legislation. I stressed that TRUTH is one of the most important concepts on which the foundation of our civilisation rests. She could not answer my question and made some personal remarks about my case, which was quite irrelevant.

4. I recall that it was Justice Branson who gave me the FCA gag orders forbidding me to question the pillars of the 'Holocaust' narrative: Six million, systematic extermination and existence of homicidal gas chambers, which was however welcomed by Senator Brandis who appears to be enamoured by the prospects of sniffing out 'antisemites' and 'Holocaust deniers' through any legislation enacted by Parliament.

5. On numerous occasions it was necessary for Senator Crossin, who chairs the hearing with Senator Humphries, to admonish Senator Brandis' interjections, especially when the news of the day detailed how Senator Crossin has been sidelined by her Prime Minister as a senate candidate for the Northern Territory at the next election. As a former teacher I could empathise with Senator Crossin who must have thought she was back in the classroom where a naughty boisterous and active mind interjects and impedes a free flow of ideas by monopolising the discussion.

6. During my teaching years I always delighted in firmly confronting such 'naughty boys' by giving them the opportunity to extend their mental prowess but then also setting moral limits and requiring that manners be observed. Today this lack of manners is in part taken up indirectly through 'political correct' thinking processes, i.e. we should not in these verbal exchanges of the battle-of-the-wills become rude or insulting, i.e. we need to remain civilised. That is what I essentially discerned during the submissions, especially by individuals who because of their sexuality do not need additional problems of social victimisation-bastardisation.

7. Such demand for manners transcends any of the categories that are now deemed in need of protection, something the legislators fail to understand because they have rejected the concept of morality and truth as a guiding light in settling human disputes. These dialectic materialist-rationalists claim that TRUTH is a social construct, i.e. there is no such thing as TRUTH. Yet, if a person does not tell the truth under oath, in effect tells lies, then they still consider such an act an indictable offence.

8. This twisted ideological stance rests in large measure on the success of the language philosophers having displaced the moral philosophers that then gave the Marxist ideologues open-ended space to introduce their absolutist ideology of dialectic materialism – which in the Soviet Union until the late 1950s filled the GuLags with political prisoners who refused to embrace the Marxist ideology. That Australia can easily slip into such absolutist mindset is not too farfetched and fanciful a notion especially if it is borne in mind that these hearings are testing the water so see if the social climate is ready to establish a new Australian Human Rights Act.

9. I am reminded of the clash that occurred during the 1950s between Ludwig Wittgenstein and Karl Popper when the latter invites the former to give a talk at Cambridge University. Wittgenstein, a language philosopher, introduces Popper to the seminarians by stating that 'all our problems will disappear, if only we correctly analyse our language'.

Popper asks: 'What about moral problems?', to which Wittgenstein, standing next to the fire place, agitatedly responds by picking up the fire poker and waving it about exclaiming: 'There are no moral problems.' Popper responds: 'What about the moral problem of a host threatening a visitor with a fire poker?'

Although the ending remains controversial, Popper himself informed me that Wittgenstein threw down the fire poker and stormed out the room.

10. This exchange is an example of two grown men having a public dispute, which one settles by developing a huff-and-puff attitude, then running away. In regard to today's legal mindset, and bearing Jeremy Sean Jones' behaviour in mind, and the RDA activated, Wittgenstein would have redress by claiming what Popper said was a provocation and 'reasonably and likely offended him'.

11. This is the situation I faced in 1996 when Jeremy Sean Jones claimed my 'Holocaust-Shoah' research offended him. Interestingly, although each time when I was ordered to removed so-called offensive material from our Adelaide Institute website, which I did, it was not the material cited in the HREOC findings nor in the FCAS judgment that are now on public record. The material objected to by Zionist Jeremy Sean Jones was specific 'Holocaust-Shoah' material that contradicted his 'official' narrative, i.e. that during World War Two Germans never killed anyone in homicidal gas chambers – which is an outrageous war-time propaganda lie that he wanted protected on that nonsense claim his feelings had been hurt. All the non-Jewish judges involved in my case bent to Jewish pressure, thereby throwing TRUTH out the proverbial legal window.

12. At no time was Jones prepared to discuss our differences, i.e. my personal research at Auschwitz and Treblinka where I could not find any evidence of mass gassings. He did not wish to conciliate because his aim was to implement the Zionist agenda of criminalising and legally protecting the official conspiracy 'Holocaust-Shoah' narrative that served the racist Zionist State of Israel so well against its battle with the original first people, the Palestinians.

13. Sadly, my 'Holocaust-Shoah' research conclusion remains unaltered since my first visit to Auschwitz in April 1997, i.e. that technically the official 'Holocaust-Shoah' narrative has become a legal fiction – and I refuse to remain silent on this matter because as an Australian of German ethnic origin it is hurtful to be confronted by such continuous barrage of lies.

14. Now that the New South Wales public school system has been forced – its bureaucrats and politicians let themselves be forced – by Jewish-Zionist interests to make 'Holocaust Studies' a compulsory subject, I find it outrageous that young Year Nine and Ten students' minds are forced to be exposed to a horrendous and gruesome Jewish propaganda story that is not true: Germans did not systematically exterminate European Jewry in homicidal gas chambers.

15. Why should this myth be legally protected and why, in most so-called 'free and democratic western nations' is an open enquiry into the actual physical details of the murder weapon not permitted?

16. Of course, this 'Hoax of the Twentieth Century' is now fading slowly into oblivion, but the new Jewish-Zionist racist supremacist narrative has already had ten years of legal construction, namely, the 9/11 narrative, i.e. that a bunch of Arabic-speaking individuals perpetrated a 'terrorist attack' on the USA.

17. As with matters 'Holocaust-Shoah' this *9/11 Hoax of the Twenty-first Century* cannot stand having its official conspiracy narrative subjected to forensic analysis. In both instances the natural laws of nature need to be suspended in order for the 'official conspiracy narrative' to stand up to logical and empirical analysis.

18. The latest intellectual fraud is the Global Warming – carbon tax scam. Any scientist knows that scientific investigation never produces absolute results, something philosopher and quantum physicist Werner Heisenberg taught us when in 1927 he formulated his indeterminacy/*uncertainty principle*.

19. I conclude with a thought from Iran where it is generally held that humans are fallible-imperfect, only God is absolute-perfect, which makes the idea itself an absolute. In western democracies it is permissible to deny the existence of God but not to deny the existence of, for example, matters Holocaust – homicidal gas chambers at Auschwitz.

20. Also, today, on Holocaust Memorial Day, it became a world news item that Italian politician Berlusconi stated that besides the bad laws enacted against Jews during World War Two Mussolini was not a bad man! Is it not time to also welcome rational and balanced debate on matters Adolf Hitler and focus on why his memory is still with us? Perhaps it is instructive to revise our views thus: *German racialism meant re-discovering the creative values of their own race, re-discovering their culture. It was a search for excellence, a noble ideal. National Socialist racialism was not against the other races, it was for its own race. It aimed at defending and improving its race, and wished that all other races did the same for themselves. – Waffen SS General Leon Degrelle.*

21. As I am almost reaching my three-score-and-ten years I find it shameful to see Australia join other so-called western nations in introducing the Jewish-Zionist 'Holocaust-Shoah' narrative, together with the '9/11' narrative as a tool into political debate that is not in Australia's self-interest but serves only the racist, Zionist state of Israel. Globally this furthers the political aim of 'Eretz Israel' much to the detriment of the Palestinians who have lived in the Middle East as the Felestin people since before our A.D. calculations.

22. Permit me to close my deliberations with the following thought:

In the first half of the 19th Century, Honoré de Balzac, 1799-1850, pointed out that there are two kinds of world history. One is official, falsified and designed to be taught in the schools, while the other is the real and secret history that accurately depicts world events.

Balzac's appraisal illuminates the fact there have always been powerful groups that direct politics from behind the scenes and make certain that the great majority are kept ignorant of their machinations.

When truth-seekers present evidence of deception and bring the true story to light, they are dismissed as 'conspiracy theorists' who are not to be taken seriously - and they are always persecuted in one way or another.

Submitted for your consideration.

Dr Fredrick Töben
Adelaide - toben@toben.biz

The Matter of Töben's Bankruptcy

Memo from Töben, Sydney, Australia, 25 September 2012

1. Please note the below media reports contain inaccuracies. Mr Peter Hartung has been the Director of Adelaide Institute since 2009. I was imprisoned in Germany in 1999 because of a letter I had written to legal individuals in Germany about the Günter Deckert case. The matter went to appeal where a re-trial was ordered, which would have happened had the October 2008 London extradition attempt on an European Arrest Warrant succeeded. Last year Justice Dr Meinerzhagen advised me that the action against me has been stayed indefinitely. Note that media reports claim 'antisemitism', 'Holocaust denial', 'racism', et al, are the matters that are dealt with during such court proceedings. This is only half the story because the matters of fact of my case were never canvassed in open court – nothing was ever defined as claimed by the media. When in November 2007 I offered an apology for upsetting the court the Jewish media latched on to it by claiming I had given a 'Holocaust denial' apology', in effect re-canting my 'Holocaust views', as David Irving, David Cole and Christian Lindtner had done. I still do not understand why Irving did this because he is not an expert on matters Holocaust but the world's greatest historian of World War Two. When I saw those 'Holocaust denial' headlines in the *Australian Jewish News* I knew I had to withdraw my apology. I had in effect already deleted so-called offensive material from Adelaide Institute's website but I stopped deleting links from the pages to other websites, something that was not covered by the apology. So, be wary about apologising. Also, after I gave my apology to the court I felt sick – after I unilaterally withdrew the apology I felt much better.

I don't mind apologising because if what I say is said rudely or crudely said but not if it is what I believe to be the truth of a matter. Hence, I wondered what was the aim of a request for my apology when in 1997 Jeremy Jones wished me to apologise to HREOC in the following terms:

Order that the Respondent apologise to the Applicant in the following terms:

"To Mr Jeremy Jones
Executive Vice President
Executive Council of Australian Jewry
146 Darlinghurst Road
Darlinghurst NSW 2010

I hereby unreservedly and unconditionally apologise to you and to the Australian Jewish community for having published material inciting hatred against the Jewish People in contravention of the *Racial Discrimination Act*.

I undertake that neither I nor any employee or agent of mine (actual or ostensible) will publish any such material in the future and that all such material which is presently published by me, or by any employee or agent of mine (actual or ostensible) in any print or electronic media (including the Internet) will forthwith be withdrawn from publication".

Order that the respondent forthwith, and at his own expense, undertake a course of counselling by a conciliation officer of the Human Rights and Equal Opportunity Commission as to the rights and responsibilities of the Respondent under the provisions of the Racial Discrimination Act.

*

Note that the HREOC conciliator could not conciliate our differences because Mr Jones refused to go into mediation, and he immediately sought a public hearing, which he then followed up with the costly legal action in the Federal Court of Australia. Note also that I wiped the content of Adelaide Institute's website after the HREOC decision in 2000 and again after the Federal Court of Australia decision – and began again.

And note again that I submitted the JS Hayward thesis to the HREOC commissioner and to the FCA judge, which both of them ignored because Jeremy Sean Jones claimed before both that there is no such thing as questioning matters Holocaust and those who do are 'Holocaust deniers'.

Hayward had sent me his thesis copy in 1998 and I submitted it as part of my defence. Then began the hounding of Hayward who recanted, as he informed me later, because he and his family received death threats. Canterbury University, New Zealand, reacted to New Zealand's Jewish groups agitating to have the thesis demoted to a B.A: 'The Fate of Jews in German Hands: An Historical Enquiry into the Development and Significance of Holocaust Revisionism. Thesis (M.A.). University of Canterbury, 1993'. It refused because it considered Hayward not to have been dishonest in his research.

When Hayward recanted, I asked him to give me the factual reasons on which he had based his decision to re-cant – I am still waiting for such reasons. In 1983 German Judge Wilhelm Stäglich had his 1951 awarded doctorate of law revoked by the University of Göttingen on account of Stäglich having written *The Auschitz Myth – Legend or Reality*, a book detailing his experiences at Auschwitz during World War Two.

Asking questions can be upsetting for those who have lived on a lie for a lifetime, who have built their world view on a factual lie, but that does not mean such individuals should have legal protection on account of hurt feelings experienced when someone asks them probing questions. On account of my German background I take it as my right to ask questions what happened during World War Two and openly enquire whether my father was a part of the alleged mass murder machine operating during the war in Germany and in territories under its control.

2. Last year, 2011, I paid court costs of $56,000+, all up over $75,000, and I did this by selling my modest home of 27 years in country Victoria. This action was preceded by an offer of settlement in November 2010, which was refused, my then lawyer stating that 'they don't want your money. They want to bankrupt you'.

3. Lawyer Steven Lewis, on 20 July 2010, during his political speech as Labor candidate for the seat of Wentworth predicted: 'We're about to bankrupt Töben': - at 17.40 minutes into clip:
http://www.jwire.com.au/news/wentworth-candidates-address-board-of-deputies-plenum/10541

4. This year another claim for court costs of over $75,000 was made in the knowledge that I now have no assets – but the Executive Council of Australian Jewry and its henchmen want their pound of flesh, as per Shakespeare's Merchant of Venice.

5. I am now hoping to find a court that resembles the Duke of Venice's court of law where lawyer Portia appears and asks Shylock/Executive Council of Australian Jewry, to show mercy towards me because it *'is twice blest: It blesseth him that gives and him that takes'*.

6. The whole saga began in 1996 when the Executive Council of Australian Jewry, Jones, et al, took their complaint to the Human Rights and Equal Opportunity Commission-HREOC where Commissioner Kath McEvoy – also law lecturer at the University of Adelaide, applied the Racial Discrimination Act - RDA. Under Section 18c anything said or written 'that is likely to offend' is deemed to cause an offence and activates the powers of the RDA. This section in effect protects 'hurt feelings' – and when Holocaust material is openly debated, then hurt feelings begin to flood and those who seek the physical truth of a matter are found guilty of an offence.

7. More on the history of this 17-year battle later because some of those judges involved in making legal decisions on a number of occasions shamefully 'bent to Executive Council of Australian Jewry pressure' and found against me, thereby revealing their own moral and intellectual bankruptcy.

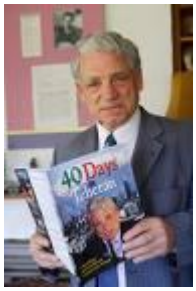
8. I shall never re-cant my views because the essence of being human is to be able to cherish free expression on any topic, unless of course someone in open debate produces factual information that further clarifies an issue/problem. In 1999 I penned the following: 'If you take away my freedom to think and to speak, you deny me my humanity, and you commit a crime against humanity. Truth is my defence.'

*

Holocaust Denier Bankrupt
September 25, 2012 Agencies

Fredrick Toben, the Holocaust denier who was jailed in 2009 for contempt of a court order banning him from publishing

anti-Semitic material on his website, has been declared bankrupt.



Fredrick Toben

Toben, who is based in Adelaide, was ordered last year to pay $56,000 in court costs to Jeremy Jones, who filed the original case against him on behalf of the Executive Council of Australian Jewry. When Toben failed to pay the court costs, Jones lodged a bankruptcy claim against him.

In the Federal Magistrates Court Monday, Registrar Anthony Tesoriero, on the application of the ECAJ, made a sequestration order against Toben, declaring him bankrupt. He has 21 days to appeal.

Despite his financial woes, Toben says on his Adelaide Institute website he will "not recant and continues to denounce the Holocaust lies." Jones said today's declaration was an administrative ruling. "It has nothing to do with the legal or moral argument at all," he said.

http://www.jwire.com.au/news/holocaust-denier-bankrupt/28433

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Holocaust denier Fredrick Toben declared bankrupt in Australia

Jewish Telegraphic Agency, September 24, 2012

SYDNEY (JTA) -- Dr. Fredrick Toben, a Holocaust denier living in Australia, was declared bankrupt after a claim against him by a Jewish leader. The Adelaide-based Toben was declared bankrupt in Federal Magistrates Court on Monday. He has 21 days to appeal.

Toben was ordered last year to pay $56,000 in court costs to Jeremy Jones, who filed the original case against him on behalf of the Executive Council of Australian Jewry. When Toben failed to pay the court costs, Jones lodged a bankruptcy claim against him.

Despite his financial woes, Toben said on his revisionist Adelaide Institute website that he will "not recant and continues to denounce the Holocaust lies." The Germany native was jailed in 2009 for contempt of a court order banning him from publishing anti-Semitic material on his website.

Jones said the bankruptcy declaration was an administrative ruling. "It has nothing to do with the legal or moral argument at all," Jones said.

http://www.adelaideinstitute.org/HomePage28April2009/toben_memo_bankrupt_2012.htm

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Tony Abbott faces challenge over dilution of racial discrimination law

Ross Peake

***Ross Peake is a senior reporter for The Canberra Times,* March 3, 2014**

Critical: Tim Soutphommasane. *Photo: Kate Geraghty*

Australia's Race Discrimination Commissioner will challenge Tony Abbott for the first time on Monday over the Prime Minister's push to water down racial vilification laws.

Tim Soutphommasane's intervention in the debate will come in a speech he will deliver at the Australian National University, where he will warn the proposed change may ''licence racial hatred. It may encourage people to think there is no harm in dealing out racial vilification,'' he will say, according to a copy of the speech obtained by Fairfax Media. He will contest the notion there is a compelling case for change and criticise those he labels the ''thick skin brigade''.

''[They say] let good speech override bad speech, let there be an open contest and put our faith in the goodness of our fellow citizens … There is in such arguments a certain naive optimism,'' he says. ''We cannot realistically expect that the speech of the strong can be countered by the speech of the weak.''

Victims of racial abuse may absorb the message of hate and inferiority. ''Those who are unfamiliar with the wounding power of racism may dismiss this as superficial complaints about words,'' he says. ''There remains what I call the 'thick-skin brigade' - those who would declare, 'sticks and stones may break my bones, but words can never hurt me'. ''This is the brigade that believes the only racism that warrants our public attention is the kind that involves physical violence, that believes racial vilification is at best an ersatz racism that troubles only effeminate citizens concerned with inconsequential feelings. 'Members of the 'thick-skin brigade' belong to the middle ages, to a time when the law was indeed confined to offering remedies only for physical interference with life and property, when the law only recognised that liberty only meant a protection from battery, when property would still be referred to as land and chattels.''

Dr Soutphommasane will use the speech to put ''a human face'' on racial vilification. He says a person who witnesses an ugly incident of racism may gain a new appreciation of the harm it causes.

''It is not clear to me, at least, how someone who has been called a 'coon' or 'boong' or 'gook' or 'chink' or 'curry muncher' or 'sandnigger' should be grateful to a bigot for giving them the opportunity to improve their soul. 'It seems perverse to say that we must all tolerate hate, when not everyone has to bear the burden of tolerance in the same way.''

Dr Soutphommasane says the proposition that any restriction of speech is demeaning, even to those it aims to protect, does not stand up to scrutiny. ''In the current debate about the Racial Discrimination Act, numerous communities have spoken out against any change to existing legislation,'' he says. ''To the views put forward by those who believe any restrictions on speech can demean and offend the dignity of those whom we desire to protect from harm, we may question what is more

likely to amount to infantilising our fellow citizens. Is it to have protections against hate speech? Or is it to tell some communities that in spite of what they say, that we may know better what is in their interests?''

Dr Soutphommasane was appointed by the Labor government in July to oversee the Racial Discrimination Act.

The controversial section is 18C which makes it unlawful to do something reasonably likely ''to offend, insult, humiliate or intimidate'' someone on racial grounds. Conservative commentator Andrew Bolt fell foul of this section in 2011 after accusing several fair-skinned Aborigines of identifying as indigenous to claim benefits only open to Aboriginal people.

In 2012 Mr Abbott said if the Coalition won the election he would repeal section 18C ''in its current form''. Attorney-General George Brandis has pledged to amend this section.

http://www.smh.com.au/federal-politics/political-news/tony-abbott-faces-challenge-over-dilution-of-racial-discrimination-laws-20140302-33u29.html

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OPINION

Abbott's pandering betrayal: Why the Racial Discrimination Act is worth defending

Mariam Veiszadeh

ABC RELIGION AND ETHICS REPORT

13 AUGUST 2012

SECTION 18C OF THE RACIAL DISCRIMINATION ACT IS NOT ABOUT "HURT FEELINGS" OR ABOUT LIMITING FREEDOM OF SPEECH. IT IS ABOUT OFFERING LEGISLATIVE PROTECTION TO THE MOST VULNERABLE MEMBERS OF SOCIETY.

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Freedom of speech and expression is inevitably a double edged sword. While it is very much the cornerstone of our democratic rights and freedoms, those who spew hateful and misleading vitriol ultimately thrive from the protection it offers. This is precisely why our Federal anti-discrimination laws need to be reviewed with an aim to strengthen, not diminish, legislative protections.

Tony Abbott's address to the Institute for Public Affairs (IPA) last week was unsurprisingly a crowd pleaser, as he attempted to appease his supporters at the IPA, score points with News Limited executives and staunchly defend his comrade Andrew Bolt. It was section 18C of the *Racial Discrimination Act 1975* (RDA) that Bolt had been found to have contravened for publishing deceptive and offensive material about our already marginalised Indigenous population.

So rather predictably Abbott launched his attack on this very section which, he implied, ought to be deemed as little more than a ''hurt feelings'' test. Whether his intention to repeal section 18C of the RDA and revert to common law offences of incitement is an "aspiration" or a commitment is yet to be determined (although, as long as the Greens hold the balance of power in the Senate, such sweeping amendments may never see the light of day, even under an Abbott-led government).

Section 18C makes it unlawful to do an act that ''is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people'' on racial or ethnic grounds." Section 18C is not about "hurt feelings," or an impediment to discussing "alternatives" in the public sphere, nor is it about limiting freedom of speech. It is about offering legislative protection to the most vulnerable and marginalised members of our society - our indigenous population, along with culturally and ethnically diverse communities and religious minority groups.

Moreover, eliminating such legislative protections and relying instead on common law offences of incitement would not provide guaranteed protections, and would ultimately represent an appalling abrogation of responsibility for the most vulnerable.

Perhaps Mr Abbott and his speech writers should pay closer to attention to the exceptions set out in the section immediately following s18C. Section 18D of the RDA specifically exempts conduct which has been done reasonably and in good faith for particular specified purposes, including the making of a fair comment in a newspaper. It is a provision which, broadly speaking, seeks to balance the objectives of s18C with the need to protect justifiable freedoms of expression.

In the case of Bolt, Federal Court Judge Bromberg wasn't satisfied that the offensive conduct was exempt under this section because of the manner in which the "articles were written, including that they contained errors of fact, distortions of the truth and inflammatory and provocative language."

Interestingly, an edited extract of Abbott's speech published in *The Australian* prior to his actual address at the IPA stated that he would "be prepared to maintain a prohibition on inciting hatred against or intimidation of particular racial groups." This part was deleted from the address that he delivered later that day. Mr Abbott should clarify his intentions and explain which specific groups he feels are worthy of legislative protection.

The behaviour of the likes of Andrew Bolt and Alan Jones helps fuel racist sentiments and ultimately creates the sort of climate in which Cronulla-style riots and individual acts of racially motivated violence can flourish. (Recall that, in 2009, Australian Communications and Media Authority ruled that Jones' broadcast material in the days before the Cronulla riots was ''likely to encourage violence or brutality." As a result, Jones and 2GB were found by a court to have vilified Lebanese and Middle Easterners and were ordered to pay $10,000 in damages.)

In a grudging admission that our current anti-discrimination laws are imperfect and in desperate need of an overhaul, Attorney-General Nicola Roxon last year launched public discussion paper to seek community views on consolidating Commonwealth anti-discrimination law as part of Australia's Human Rights Framework. In its submission, the Federation of Ethnic Communities' Council of Australia specifically raised the issue around the notable lack of expressed recognition of "religion" as a protected attribute under the Federal Discrimination laws.

Currently, discrimination on the grounds of religion is unlawful in the ACT, Queensland, Northern Territory, Tasmania, Victoria and Western Australia, with South Australia not providing any

protection at all. In NSW, only discrimination on "ethno-religious" as opposed to "religious" grounds is deemed unlawful, and even then the ethno-religious categorization only extends to groups of people who are recognised as both ethnic *and* religious group. At present this only serves to protect members of the Jewish and Sikh faiths.

Despite statistics documented by a number of research institutions that all point towards an increase in Islamophobia in the West, Muslims and other faith groups which consist of ethnically diverse members are not afforded such protections under Federal laws as they do not fit into the "ethno-religious" category, even though religion is often used as a pretext for what is, in reality, race discrimination.

The only national law protecting people from discrimination on the grounds of their religion applies only in the context of employment and, disappointingly, isn't actually enforceable in court.

Some are mounting the argument that increasing levels of Islamophobia in Australia has sped up a process of "ethnicization" of the Muslim Australian community and that, perhaps on this basis, Muslims should be seen to fit into an "ethno-religious" category. In any event, as the then-acting Race Discrimination Commissioner Dr William Jonas pointed out in 2003, "it may seem anomalous that anti-Semitism is outlawed" - and rightly so, I'd add - "but Islamophobia is not."

As Abbott himself has admitted, "Freedom of speech can't be absolute." All freedoms and rights are coupled with responsibility. It is a sad state of affairs when our politicians feel the need to score political points at the expense of the most vulnerable members of our society.

Mariam Veiszadeh is a lawyer, writer and community rights advocate.

http://www.abc.net.au/religion/articles/2012/08/13/3566446.htm

Did Zionism Cause the Holocaust? A New Biography Says Yes.

The authors of a new history of the Grand Mufti Amin Al-Husaini's ties to Nazis fail to carry their logic to its flawed conclusion

By David Mikics|February 3, 2014 12:00 AM

The Grand Mufti Amin Al-Husaini with the Waffen SS in 1943.*(Deutsches Bundesarchiv via Wikimedia Commons*

Back in graduate school we used to snort derisively at the Great Man Theory of History, and not just because of that unfashionably sexist "Man." Only a simpleton, we thought, would neglect world-historical forces like the rising middle class or the struggling proletariat in favor of the force of personality. But just try imagining modern history without Mao, Lenin, or Hitler. The really great and really terrible ones really did change the world.

Now, in *Nazis, Islamists, and the Making of the Modern Middle East*, Barry Rubin and Wolfgang G. Schwanitz advance a dark-horse candidate for the Great Man theory: Amin al-Husaini, the Grand Mufti of Palestine, close pal of Hitler and champion of Islamist radicalism, and the unchallenged leader of the Palestinians until he anointed Yasser Arafat as his successor in 1968. If the Germans hadn't sent Lenin to St. Petersburg in that sealed railway car, no Bolshevik Revolution; if Hindenburg hadn't named Hitler Chancellor, no Nazi regime. If the British hadn't made al-Husaini Grand Mufti in 1921 in reward for his espionage work for them, no Final Solution… .

Yes, you heard right. Rubin and Schwanitz make the astonishing claim that al-Husaini is nothing less than the architect of the Final Solution. Rather than being a garden-variety pro-Nazi, they say, the mufti had so great an influence on the fuehrer that he might as well have authored Nazi Germany's most demonic project, the mass murder of European Jewry.

The claim that al-Husaini was the hidden hand behind Adolf Hitler is implausible, even silly. Rubin and Schwanitz are historians with a political agenda: They want to show that eliminationist anti-Semitism animates the Islamic Middle East, and so they paint al-Husaini as so devilishly anti-Semitic that he can contend with Hitler himself.

Yet Rubin and Schwanitz's claim also has serious, troubling implications. Where did al-Husaini's passionate hatred of Jews come from? Indisputably, from the Jewish colonization of Palestine. So, if you follow Rubin and Schwanitz's logic—as they themselves fail to do—Zionism is responsible for the Holocaust. No Zionist colonization of Palestine would mean no Arab anti-Semitism, which means no al-Husaini, which means no Final Solution. The authors use a historical life to advance their political reading of the Arab-Israeli conflict—without thinking through the risks of loading their political agenda onto historical analysis.

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That al-Husaini was a radical anti-Semite is not the real news in *Nazis, Islamists, and the Making of the Modern Middle East*. We knew that already. Though al-Husaini was put in power by Britain, he eagerly embraced Nazism and rivaled Hitler in his fanatical anti-Semitism—and frequently proclaimed that the Middle East needed to rid itself of its Jews. Al-Husaini spent the war years in Berlin enjoying the high life: The Nazis put him up in luxurious fashion, with the equivalent of a $12 million a year salary. Hitler, who admired the mufti for his manly ardor and his "Aryan" blue eyes, promised him that extermination would occur in Palestine as soon as Rommel's tanks broke through the British lines in Egypt and rolled into Zionist territory.

Al-Husaini met often with Eichmann and Himmler during his tours of occupied Poland, and he helped Eichmann escape to Argentina after the war. His most important wartime mission was recruiting for the SS in Bosnia. He almost certainly visited the gas chambers in Auschwitz, a sight that seems likely to have gladdened his heart. But for the most part, he remained a man of vile words rather than vile deeds.

Where Rubin and Schwanitz depart from the known historical record is in their dubious causal assertion that Hitler's commitment to al-Husaini to keep Jews out of Palestine was in turn a major motivation for the fuehrer's decision, sometime in 1941, to exterminate European Jewry. It's true, as Rubin and Schwanitz make clear, that the mufti advocated genocide against the Jews even before Hitler did. Like Hitler, he thought of Jews as subhuman and evil parasites. But the notion that al-Husaini played a key role in Hitler's settling on the Final Solution is based on one piece of thin hearsay evidence: comments that the controversial Hungarian Jewish leader Rudolf Kastner attributed to

Eichmann's subordinate Dieter Wisliceny. (Rubin and Schwanitz oddly credit the comments to Eichmann himself.)
As Christopher Browning has argued, Hitler's opting for genocide can much more plausibly be traced to his exultation over what looked like a *blitzschnell* conquest of Russia in midsummer 1941. The fuehrer dropped his earlier vague notion of getting rid of millions of Jews by shipping them "beyond the Urals"; in the joy of what he thought was victory, he set about to make his new Eastern empire *Judenfrei* in the most direct and terrible way imaginable.
Al-Husaini may not have given Hitler the idea for the Holocaust, but his actions and words were vile enough. In his memoirs he boasted that he had prevented thousands of Jewish children from emigrating to Palestine in 1942 and 1943 and expressed satisfaction that they instead headed to Poland and death. The Muslim Brotherhood founder Hassan al-Banna lauded al-Husaini after the war: "What a hero, what a miracle of a man. … Germany and Hitler are gone, but Amin al-Husaini will continue the struggle."
Yet Rubin and Schwanitz make al-Husaini responsible not only for the manifest evil of his own words and deeds, but also for the Holocaust—and for the subsequent birth of Israel and the entirety of the subsequent Arab-Israeli conflict. According to Rubin and Schwanitz, Israel only became a reality through the mufti's rejection of the 1939 White Paper and, later, his staunch opposition to the U.N. partition of Palestine in 1947. If not for the mufti's powerful naysaying, they argue, Britain's White Paper would have been accepted by the Arabs, who would soon have ruled Palestine. This was the clear promise of the White Paper, which would have ended Jewish emigration to Palestine after five years. After 10 years, with Arabs still in the majority, the White Paper promised an binational state.
So, without the grand mufti, no Israel. But al-Husaini, Rubin and Schwanitz say, is also responsible for the lack of peace between Israel and most of the Arab world. According to Rubin and Schwanitz, there's a single man behind the radicalism of Middle East politics since the 1930s, right down to the present day: The mufti made rejectionism look glorious, paving the way for countless Arab demagogues who trumpeted the notion that standing up to Israel and the West is heroic, while compromise is treason. Scorning the practical, clinging to noble but failed memories of revolt: These became dominant ideas in Middle East politics thanks to al-Husaini.
There are a few obvious problems with Rubin and Schwanitz's fingering of al-Husaini as the lynchpin of Middle Eastern radicalism. Al-Husaini was never a revered leader or teacher, much less a head of state like Egypt's Gamal Abdel Nasser. Rubin and Schwanitz don't even try to make the case that al-Husaini can compare as a source of anti-Western doctrine to Sayyid Qutb, the intellectual spokesman for the Muslim Brotherhood. If al-Husaini's hard-line stance really was and still is so appealing to the Arab world, this must be due to a force more powerful than the mufti himself. (The Arab street to this day cherishes the idea that any concessions at all to Israel or the West are acts of treachery.) Al-Husseini's radicalism is significant only because it found an answer, an echo, in Arab culture.
Had the mufti embraced the White Paper, history would have turned out just the same. The Jews would never have accepted it, since it would have meant being ruled by an Arab majority. Soon enough, the Palestinians proved more amenable to Britain's sweetheart deal. Though the mufti rejected the White Paper in 1939 in loyalty to the Arab High Committee slogan, "The Englishmen to the sea and the Jews to the graves," the other Palestinian leaders, Amin's brother Jamal al-Husaini and Musa al-Alami, reportedly accepted the White Paper in Baghdad the following year (a fact oddly ignored by Rubin and Schwanitz). And Britain appeased the Arabs even more by slowing Jewish emigration to Palestine to a trickle during the war, below the level allowed in the White Paper.
Rubin and Schwanitz also bring up the Arab rejection of the 1947 U.N. Partition Plan, which they see as another missed Palestinian opportunity masterminded by the extremist al-Husaini, but here they are on even shakier ground. The moment the U.N. resolution passed, there were massive street demonstrations in the Arab world protesting the outrage. Arab governments went to war because the resolution had ignited the passions of the people. The U.N. partition plan was no bargain for the Palestinians. Nearly half of the Palestinians would have become a minority under Jewish rule; the Zionists would have gotten over half the land, including the best regions for agriculture, though they were far less than half of the population. Of course, the Arab countries might have rejected any partition plan; but this one especially could not be defended in the face of the intense uproar in the streets. Al-Husaini had little to do with the Arabs' decision to go to war.
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Yet it is also a fact that sympathy with the Nazis runs deep in the Arab world. Even now, the mufti's closeness to Hitler increases rather than diminishes his reputation. No Arab country ever expelled a Nazi war criminal; on the contrary, Arab regimes sheltered thousands of ex-Nazis, many of whom were guilty of war crimes. Nazi sympathizers—Nasser and his men, Assad's Baathists—ruled Egypt and Syria for decades after WWII. Nasser's ex-Nazi adviser Johann von Leers introduced him to the *Protocols of the Elders of Zion*, which Nasser made a canonical text for the Middle East. Even Anwar Sadat, who later became a heroic maker of peace with Israel, began his career as a Nazi collaborator, and when rumors surfaced in 1953 that Hitler was still alive, Sadat wrote a fervent public letter declaring, "I congratulate you with all my heart, because though you appear to have been defeated, you were the real victor. … That you have become immortal in Germany is reason enough for pride."
Rubin and Schwanitz set the stage for the Nazi-Islamist connection with an account of Max von Oppenheim, the subject last year of a fascinating exchange between Walter Laqueur and Lionel Gossman in Tablet. Oppenheim spearheaded the German effort to spur an Islam-wide jihad during WWI, and he continued to work for Germany in WWII as well. (Rubin and Schwanitz claim that Oppenheim had Jewish parents who converted to Catholicism when he was a child; in fact, his mother was Catholic, and his father was a Jew who had converted to Catholicism before Oppenheim was born. Such errors aside, the story of Germany's effort to spark a Muslim uprising against British rule during WWI, as well as the alliance between Germany and the genocidal Turkish government, is grippingly told here.)
Despite the overblown claims for the mufti's central role, Rubin and Schwanitz do an illuminating job showing the extent of the partnership between Germans and Islamists; this is by far the best part of their book. Germany had a long history of encouraging Jihadism even before Hitler's rise to power. But Max von Oppenheim is not any more responsible for 21st-century suicide bombers than the mufti or Hitler is. The German connection does not explain Islamic radicalism; it remains part of the background.
Yes, the mufti remains a source of inspiration to those who dream of annihilating Israel and establishing a purely Muslim Middle East cleansed of Jews and Christians. But that doesn't mean he changed history.
Rubin and Schwanitz present their book as a necessary look back at the past that helps us understand the present, but the present needs a more careful analysis, one that pays serious attention to today's bewildering, strife-ridden Middle East. Yes, the mufti remains a source of inspiration to those who dream of annihilating Israel and establishing a purely Muslim Middle East cleansed of Jews and Christians. But that doesn't mean he changed history. There is never a lack for prophets of violence in the Arab world, or Islamists who look

to the Nazis as models of proper neighborly relations with Jews and with others.

The Nazi-Islamist connection doesn't explain the staying power of Middle East extremism. What we need to grasp instead is why, despite the hopes aroused by the Arab Spring, the alternatives to extremism in the Middle East remain so weak. Muslim extremism has behind it a long tradition, bolstered by Oppenheim and al-Husaini, among others. But that's not what makes the pursuit of heroic martyrdom pay off, or what renders the frightened majority in the Arab world so incapable of taming the terrorists—secular and religious—among them.

Iran's quest for the bomb has made the question of whether the Muslim rejection of Israel is at bottom eliminationist properly seem urgent to many Jews and to others who believe that genocide in the Middle East would be a bad thing. The answer can't be found in great men, nor was the eclipse of moderation in the Muslim Middle East caused by personalities like al-Husaini, Nasser, Arafat, Khomeini, and Assad *père* and *fils*. The bad guys are only the expression of something more basic: a region splintered ethnically and spiritually, marked by fervent religious yearning, burning with rage against both Western meddling and its own rulers, and in desperate need of a common enemy—a role in which the Jews have always served rather nicely.

http://www.tabletmag.com/jewishartsandculture/books/161311/nazi-islamists-rubin?all=1

These elitist hate-speech laws erode democracy

James Allan, March 3, 2014

Illustration: michaelmucci.com

Neil Brown, QC, a Liberal minister in the Fraser government, has counselled Tony Abbott not to repeal our section 18C hate speech laws.

He says doing so risks ''giving the green light to racists''. Instead, he suggests a convoluted compromise that basically leaves in place the ''you can't offend me'' legislation.

Well, not to put too fine a point on it, but Brown and all the proponents of hate speech laws that legislate against ''offending'', ''insulting'', ''humiliating'' or even ''intimidating'' are wrong. They're wrong on the facts. They're wrong when they look overseas. And they're wrong about what is needed in a healthy, well-functioning democracy.

Let's start by playing the man, rather than the ball. Our hate speech laws were enacted in 1995. Brown was a cabinet member in a government years before that. If he thought not having these laws amounted to a green light, why didn't the Fraser government enact these sort of illiberal laws?

Advertisement

First a few facts. In the US there are no hate speech laws of any kind. In France there are plenty. Where do you think Jews or Muslims are better integrated into society as equal citizens? I ask that question seriously, and can recast it using Germany and other countries with hate speech laws.

Do you do more for minority groups by encouraging a victim mentality or by asking them to grow a thick skin and, when insulted or offended or humiliated, to respond by saying why the speaker is wrong? The latter approach is recommended by every great liberal philosopher from John Stewart Mill onwards. And it was the basis on which the Fraser government did not legislate against hate speech.

Oh, then there is that bastion of political correctness, my native Canada, where the federal parliament last year repealed similar hate speech laws. Are Canada and the US places all hate speech law supporters will be avoiding because of all the green lights for racists?

Or are those green lights just plain bunk, because Brown doesn't understand that the best response to racists is to speak back and say why they're wrong, rather than turn them into martyrs?

Then there is the old canard - always pulled out of the cupboard when the rest of the argument sucks - of ''let's all point to Nazi Germany''.

Leave aside the fact it is insulting to Australians today to have any argument implicitly rest on the premise that we are somehow like Weimar Germany, and realise that, for more than a decade before Hitler came to power, the Weimar regime did have hate speech laws and did have prosecutions for anti-Semitic speech. Convictions, too. And that sort of ''suppress, suppress, suppress'' mindset worked out how, exactly?

You need to ask yourself what you expect hate-speech laws to accomplish if you support them. There are only three possibilities. One is that you want to hide from the victims of such nasty speech how the speakers honestly feel about them. It's a sort of ''give them a false sense of security'' goal.

Another is you hope to reform the speaker. You know, fine them and lock them up and maybe they'll see the errors of their ways.

But both those supposed good outcomes of hate speech laws are patent nonsense. So that leaves a third possibility, one I believe almost all proponents of these laws implicitly suppose justifies their illiberal position. The goal of hate speech laws is to stop listeners who hear nasty words from being convinced by such speech.

In other words, it is plain distrust of the abilities of one's fellow citizens to see through the rantings of neo-Nazis that requires us to have these laws.

It works on a sort of latter-day aristocratic premise, that we may be able to trust the good sense of a sociology professor but God help us if a mere plumber or secretary should be exposed to a Holocaust denier or someone whose tone gets a bit out of hand.

If there was a polite way to express my disdain for that sort of elitist bull, I would use it. But there isn't. So I will just say it is wholly misconceived.

Australians are no more prone to being sucked in by offensive or hateful speech than North Americans or those with multiple degrees. And if you don't believe that, then you can't really be in favour of democracy, it seems to me.

I could go on to show how these sort of laws, always and everywhere, end up expanding to capture speakers not originally intended to be captured by them; or how the bureaucracies that administer them become havens of speech-restricting world views. Instead I simply say Australians need section 18C to be repealed in its entirety. That's what Abbott implicitly promised. So let's have it done now.

James Allan is Garrick Professor of Law, University of Queensland.

Paul Sheehan is on leave

http://www.smh.com.au/comment/these-elitist-hatespeech-laws-erode-democracy-20140302-33ttw.html

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Section 18C in the spotlight again

March 3, 2014 by J-Wire Staff

The ECAJ's executive director Peter Wertheim takes issue with Professor James Allan whose article "those Elitist Hate-Speech Laws Erode Democracy" appeared in Fairfax media today…

The professor of law at the University of Queensland was writing in support of repealing Section 18C of the Racial Discrimination Act .

Peter Wertheim writes:

Professor James Allan

Contrary to the assertions of Professor James Allan, ('These elitist hate-speech laws erode democracy', Sydney Morning Herald, March 3), there was no equivalent of section 18C of the Racial Discrimination Act in Weimar Germany.

The only laws against hate speech were criminal offences, not civil remedies. Weimar Germany had nothing equivalent to the framework which currently exists under the Racial Discrimination Act within which complaints of racial vilification have, in the vast majority of cases, been successfully conciliated through the Australian Human Rights Commission or resolved by direct negotiations between the parties. This framework, which has proven to be an inexpensive, just and efficient way of resolving complaints, would be lost if section 18C were repealed as Allan recommends. The anti-hate laws of Europe, past and present, bear no comparison to section 18C.

In Weimar Germany the absence of civil remedies was made worse by the fact that the relevant criminal offences were honeycombed with immunities for members of the Reichstag, the German Parliament. Nazi members of Parliament became the nominal publishers of single or multiple antisemitic publications. This facade meant that no one could be prosecuted for the hate crimes perpetrated by the publications. The Reichstag could waive immunity for its members, but did so rarely.

Peter Wertheim

The anti-hate law was further emasculated by the light sentences imposed when somebody was convicted. Most of the convictions led only to fines. Karl Holz, editor of the rabidly antisemitic 'Der Sturmer', was sentenced in 1931 to one year in prison for the offence of racial insult, the maximum for that offence. However, it was his sixteenth conviction. Joseph Goebbels was sentenced to prison twice, once to three weeks and once to six weeks. Julius Streicher was sentenced to prison once for two months. Theodor Fritsch was sentenced to prison on one occasion for four months after a criminal libel action (not a hate crime prosecution) that went on for years. Those sentenced for destruction of Jewish tombstones or painting swastikas on synagogues and in cemeteries typically received light jail

sentences if they received jail sentences at all. These convictions in effect merely became the cost of doing business for hate groups. It is generally true that an offence will not be an effective deterrent if there are no meaningful penalties attached to conviction.

Article 118 of the Weimar constitution forbade censorship with the text "No censorship will take place". This is very similar in substance to the US First Amendment, so beloved of the free speech absolutists as a cure-all for racism, but it too was completely ineffectual in preventing Germany from descending into a totalitarian dictatorship under the Nazis. Unlike the US and Australia, Weimar was an immature democracy with no real experience in balancing competing freedoms and competing rights. Ultimately, it was the Great Depression and its devastating impact on the lives of millions of people, not Weimar's legal regime, that fostered the rise of Nazi tyranny.

There can be no doubt, however, that it was the relentless Nazi campaign of racial vilification against Jews and other minority groups that desensitised the wider community to the humanity, dignity and rights of the groups who were targeted, and thereby prepared the way for the escalation from discrimination to persecution to genocide that was to follow. If Allan had his way, such groups would once again have no legal means to defend themselves.

http://www.jwire.com.au/news/section-18c-in-the-spotlight-again/40850

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Fredrick Töben comments:

When Peter Wertheim – the name in German means a valued/worthy home – and I met in Sydney during the HREOC proceedings during the 1990s he refused to shake my hand, something that is unusual in such proceedings, at least for me it was odd because basic civility should always be observed. Wertheim justified this by this comment: 'as a Holocaust survivor I don't shake a Holocaust denier's hand.'

Wertheim refuses to discuss the topic of contention and thus he propagates racial hatred against Germans. The only other Holocaust believer who refused to shake my hand was Anthony Lowenstein who trotted out the same comment, except that he is far too young, as is Wertheim, to be any kind of survivor of any kind of tragedy. Lowenstein's bodily self-mutilations indicate unresolved person problems that he is projecting on to others.

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Bad start at universities

March 4, 2014 by J-Wire Staff

Jewish students have faced renewed harassment and intimidation from extremists during the recent orientation week on campuses across Australia.

The newly re-formed Jewish Students' Society at the Australian National University (ANU) confronted significant abuse during the Market Day clubs and societies event.

A paper airplane was thrown at the Jewish Students' Society stall. On one side the paper contained a Socialist Alternative petition, and on the other the message: 'Death to the Zionist entity. Love from Hamas'.

This note supports Hamas, a proscribed terrorist organisation, in their anti-Semitic violent aims to kill all Jews. Moreover, following various refusals to take pamphlets by Jewish students on the day, extremists responded 'that'd be right, Israeli bitch', and 'filthy Jew'.

At the University of New South Wales (UNSW) a Jewish student was harassed last week during orientation week. Upon seeing his Australasian Union of Jewish Students (AUJS) bag two individuals approached asking why he was a member of AUJS. When asked the two individuals said they were from the Socialist Alternative. When the Jewish student immediately begun walking away the two extremists followed him yelling various questions and points of abuse. This continued until a third party stepped in to say the Jewish student was clearly not interested.

The ANU and UNSW administration are both currently investigating these incidents.

The renewed harassment follows various incidents with extremists on campus in recent years.

At Monash University in 2013 an extremist physically shoved two Jewish students who were putting up posters one evening. Extremists at Monash University have also routinely undertaken aggressive protests and harassment of Jewish students around campus and during apolitical events.

At the University of Melbourne in 2011 a Jewish student was cut on the hand when he tried to stop an extremist from destroying some wire from a sound system during an event. In this case the extremist was arrested.

AUJS political affairs director Matthew Lesh said that this ongoing harassment shows a clear pattern of anti-Semitic behaviour on campus from extremist groups.

"Rather than attempt to partake in a civilised political dialogue extremists on campus have resorted to identifying and harassing individual Jewish students," Mr Lesh said.

Mr Lesh called upon universities to institute compulsory multicultural and interfaith understanding courses for any student or group who has been identified as abusing Jewish students.

"Universities have a responsibility to create a safe and secure atmosphere for students of all backgrounds. To ensure this universities must respond strongly to individuals and groups who spread intimidation, hatred, and abuse," Mr Lesh said.

Students who face incidents on campus are encouraged to report them immediately through the new website, **reportantisemitism.com**, a joint project of AUJS and the B'nai B'rith Anti-Defamation Commission.

Peter Wertheim, executive director of The Executive Council of Australian Jewry, told J-Wire: "The spate of racist incidents against Jewish students on campuses at the Australian National University, the University of NSW and the University of Adelaide, are a disgraceful reflection of the deterioration that has occurred in the prevailing culture of student and academic life not only in Australia but also at many universities throughout the western world. The nature of the hostility and the epithets directed against Jewish students are unambiguously antisemitic. The veneer of anti-Zionism is wearing increasingly thin. The student organisations that spawn this sort of behaviour will have to get over their narcissistic belief in their own infallibility and do some serious soul-searching. The same applies to the handful of academics who conceive of their role as advocates for an anti-Israel agenda rather than as scholars engaged in rigorous and dispassionate research and analysis."

http://www.jwire.com.au/news/bad-start-at-universities/40870

Now for Fredrick Töben it's back to the distant Dark Ages of the 1980s

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Page 12 Herald-Sun, Thursday, May 16, 1991

Herald-Sun

NEWS - PICTORIAL

Not too clever

THE quality of mercy is decidedly strained in the case of Dr Frederick Toben reported in this newspaper yesterday. The highly qualified teacher's problem began in the early 1980s at Goroke Consolidated School. In pursuit of his continuing crusade to instil literacy, he taught Shakespeare to year-nine students, organised spelling bees and enforced a rigid literacy program.

This rash presumption led to a head-on philosophical clash with his peers, leading into a series of inquiries into his teaching methods and finally to his dismissal in February, 1985, for "incompetence". In 1989 the County Court overturned the dismissal, awarded him lost wages, but did not find on his competence.

At the heart of the Toben affair is the wider debate between traditionalists, who believe in developing a student's full potential, and the ideologues who seek to impose a grey sameness as a tactic in the class war. As a former president of the Australian Council for Education Standards, Professor Lauchlan Chipman, remarked: "The result of this clash is inevitably an averaging down of the standards."

But while the debate continues on whether education should exploit each student's full potential, or whether it should be the great leveller, Dr Toben remains in limbo, still labelled "incompetent" and unable to get a teaching job.

On the evidence, it seems unjust he should continue to suffer; the standards he values might just be what we need to make this the clever country.

BAD LESSON

They sacked Frederick Toben after he insisted on teaching Shakespeare. SIMON PLANT reports.

● Dr Frederick Toben reads to his son Karl in his study. Picture: GEORGE SALPIGTIDIS

FROM his study in the tiny Wimmera town of Goroke, Dr Frederick Toben is preparing to wage war.

The study looks like any other, but this book-cluttered nook, deep in the heart of Victoria's sheep country, is where the 46-year-old teacher is plotting the next phase of his seven-year battle against Victoria's Education Department.

Dr Toben was sacked from Goroke Consolidated School in 1985 on the grounds of alleged incompetence and has been fighting to clear his name ever since.

The fight, waged in the County and Supreme Courts, has taken a heavy toll on Dr Toben's family life (he separated from his wife, Georgina, in 1987) and his finances (he is $40,000 in debt and surviving on dole cheques).

But like a battle-hardened warrior, the German-born educator refuses to admit defeat.

Dr Toben issued five defamation writs last year against Education Department chiefs and former teaching colleagues at Goroke Consolidated, and anticipates they will be heard in court before the end of the year.

"They (the Education Department) know I can't last much longer," he says. "But I've drawn a line and I'm saying, 'No further'. I'm not giving up or running away because I know I'm not incompetent."

THE long-running Toben affair is a critical test of Education Department policy, but as it has unfolded in the papers and the courts, the case has also come to symbolise a wider battle raging in Australia's public education system.

It mirrors a tug of war between the forces of tradition, who want a return to exams, discipline and the three Rs, and the forces of change who believe these trends are out of step with egalitarian education initiatives in the 1990s.

"Dr Toben is the very embodiment of a basic philosophical clash," Professor Lauchlan Chipman, of Woolongong University, says.

"Here is a dedicated teacher in the Mr Chips mould who believes in the old ideal of developing students' full potential, and an education system which regards intellectual excellence as something to be traded away if the case warrants it." Dr Toben, who holds arts degrees from Melbourne and Wellington Universities and a PhD from Stuttgart, is a self-confessed conservative. Dressed for this interview in button-toned blue blazer and tie, he readily declares his support for no-nonsense teaching.

"I'm not afraid of students," he says. "Far from it. Put me in one of the rougher schools in Melbourne's western suburbs and I'd soon fix them up." But in his travels over 17 years as a teacher in Australia, West Germany, New Zealand, Nigeria and Zimbabwe, Dr Toben has championed one issue above all others: literacy.

At Goroke Consolidated, which he joined in 1983, he carried on the crusade by teaching Shakespeare to year-nine students, organising spelling bees and enforcing a rigid literacy program.

The school principal apparently expressed reservations, and some of Dr Toben's colleagues, who allegedly treated him as something of an outcast in the staff room, suggested he abandon Shakespeare.

"The attitude was, don't rock the boat, don't stress the students," Dr Toben recalls.

"They must fit in, even if they can't read or write. Well, I'm sorry, I couldn't accept that."

Dr Toben's stand prompted the school to appoint a "support group" to observe his teaching methods over four weeks in July, 1984. Later in the year, another panel comprising teacher unions and Education Department representatives conducted an informal inquiry. The Director-General of Education, Mr Norman Currie, finally dismissed Dr Toben in February, 1985 for "incompetence" but six years on, the victim is convinced he was singled out for political reasons. "If you don't toe the line, you're out. I'm frightened there are a lot of dedicated teachers who are being sidelined because they are prepared to worry about education."

> **'Here is a dedicated teacher who believes in the old ideal of developing students' full potential'**

PROFESSOR Chipman, former president of the Australian Council for Educational Standards, says there is also a growing rift between teachers of the "Old Left" who have traditionally championed excellence as a passport to self-improvement and those of the "New Left who believe education should reflect what the mass of people are likely to reasonably achieve".

"The result of this clash is inevitably an averaging down of standards".

The Institute of Education Administration disagrees and insists that the VCE and other initiatives are encouraging personal excellence by combining different testing procedures.

"All the available evidence, on balance, suggests that in the basic areas of achievement, we have been improving slightly," Institute director Gerry Tickell says. The Liberal-National Opposition has promised to reassess the VCE and school standards generally if it wins the next state election but there is no guarantee that a change of government in Victoria will benefit Dr Toben. On paper, he is still an "incompetent" teacher.

When the County Court overturned Dr Toben's dismissal and awarded him more than $16,000 in lost wages in January, 1989, it made no finding on his competence. Nor did it order the Ministry of Education to re-employ him. The Ministry declined to comment, but according to Dr Toben, it is prepared to consider his re-employment if he can provide "evidence of successful teaching".

While he is labelled "incompetent", though, there is no way any school (public or private) will take him on.

"This is like the Dreyfuss case," Dr Toben says. "I've been banished to Devil's Island and I've got to return and clear my name.

"I want to go back into the classroom. I want to teach. It's my aim to work for another 20 years."

Friends in Goroke have suggested he pack it in, change his name and seek employment interstate.

But Dr Toben, raised in nearby Edenhope, refuses to leave the remote Wimmera town. "Why should I?" he says. "This is my home."

Comment

An educational experience of the worst kind

FRANK DEVINE

... You take my life
When you take the means
whereby I live.

THAT is from The Merchant of Venice. The lines — and, in fact, the entire play — have painful relevance for Frederick Toben, unemployed schoolteacher of Goroke, Victoria.

Toben is not, unfortunately, the only 47-year-old person now out of work, in debt and hovering on the edge of despair. But he is probably the only one able to put part of the blame on Shakespeare.

In 1983, as a newly hired "temporary", Toben set his Year 10 English class at Goroke Consolidated School, located in sheep country in north-west Victoria, to studying The Merchant of Venice.

The principal challenged Toben to tell him what use Shakespeare was to kids whose lives would be spent scrabbling for a living on remote farms. Not having thought much about utilitarian measurement of Shakespeare, Toben gave a vague response.

"They don't need it," the principal declared flatly.

Toben none the less persisted with classroom study of The Merchant of Venice. Before long, however, he became aware that his Shakespeare "obsession" was being derided by other teachers at the school, notably the principal, with the result that the incipient interest of his students gradually changed to sulky resistance.

Toben's relationship with the Goroke principal deteriorated. Toben was castigated for correcting spelling and grammar in creative writing exercises, for speaking "sarcastically" to unruly students and sending them out of classes. Other teachers recall a bitter personality clash between Toben and the principal.

Indeed, Toben seems to have been an odd-man-out from the start at this bush school — highly educated and cultivated, widely travelled, meticulously dressed (usually in dark blazer, striped tie and grey slacks), speaking in the precise, accentless tones characteristic of people for whom, like German-born Toben, English is a mastered but not native language. Even the new car Toben had traded up to — a white Volvo — got backs up.

> 'Nothing smells right about it'

In 1985 Toben was dismissed from the employ of the Victorian Education Department, an event of the utmost rarity even for a temporary teacher. The grounds given were that he was incompetent and disobedient. Ever since, Toben has campaigned for reinstatement, claiming to have been done down by lies and deception and to have been victimised because he opposed the "equal outcomes" philosophy of Victoria's public education system.

In 1989, a Melbourne County Court ruled Toben's dismissal "void and invalid" and awarded him back pay. Toben immediately resigned from a job as a school bus driver in anticipation of returning to teaching.

But the Education Department refused — and still refuses — to give him a job, asserting that the County Court invalidated his dismissal because correct procedures had not been followed in charging Toben with disobedience. But the judge had found no procedural shortcomings in respect of the incompetence charges.

Ergo, departmental procedures having been applied correctly, Toben remained an incompetent, unworthy of employment as a teacher in Victorian public schools.

As often happens when individuals get entangled with a Kafkaesque bureaucracy, Toben has become obsessed. Trying to force the Victorian Education Department to take him back consumes his life.

His marriage has broken up and he is on the dole. He applies constantly for private school teaching jobs, but a 47-year-old who has been dismissed for incompetence is not a prime contender for employment in these hard times.

Toben spends most of his days enjoying intermittent custody of his 10-year-old son and preparing to represent himself in three pending defamation actions against Victorian Education officials.

He and I have been penfriends, fax friends and telephone friends for several months. If the Toben document archive grows much larger, I will have to move house. As a journalist, I have avoided people like him for many years on several continents.

But no Ancient Mariner has ever talked as sensibly to me, and practically nothing smells right about the Toben case.

It doesn't smell right when I call a senior officer of the Victorian Education Department, whom I know to have been centrally involved in the matter for several years, and still to be, only to be told, at first, that the officer recalls little of the past and knows nothing of the present state of affairs — and subsequently that, on legal advice, neither the officer nor the department will comment.

A strong aroma arises when one considers Toben's background in the context of his alleged incompetence. He has a BA degree from Melbourne University and a PhD (in philosophy) from Stuttgart. He has 17 years of teaching experience — mainly in New Zealand, Germany and Zimbabwe.

Perhaps most crucially, Toben grew up in north-west Victoria and attended a small country school like Goroke Consolidated. His father, an immigrant from Germany, farmed nearby for 30-odd years. His twin brother still farms in the district. When he started teaching at Goroke, Toben was offended by the principal's contemptuous remarks about the town and the district's farm families.

Having set off with his brother for a European adventure when they were in their mid-20s, Toben stayed abroad longer than he had intended. In Zimbabwe, observing British expatriates, he realised to his horror that he was, in his mid-30s, at risk of becoming like them — a man without a home. He married the girl he had been going out with in Zimbabwe, and jumped at the chance of a teaching job in Goroke, determined to establish himself in a part of the world where he felt he belonged.

The Toben affair smells when one learns that 30 out of 40 Goroke parents whose children Toben had taught signed a petition praising his work with them.

It smells when one considers how markedly different Toben's teaching philosophy is from the one that has prevailed in Victoria.

There is a stink around when a teachers union official publicly declares: "I don't think Mr Toben will be employed again by the Education Department. He has criticised the department. He has even criticised the union."

Once at a social gathering Toben managed to seize the ear of the then education minister, Joan Kirner, and plead for her intervention.

She said: "You'd be surprised how little influence a minister has in such matters."

Surprised? If that is true, I am terrified.

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From the comfort of our armchairs

Mail-Times

editorial

SOME sections of the media have been beside themselves in recent days with reports that Nazi scientists emigrated to Australia with full government connivance after the Second World War.

The Age was first, followed closely by SBS television with what must be one of the great non stories of the year. It has been common knowledge for years that the Allies, most notably the US and UK, but also the Soviet Union, ardently recruited German scientists.

In fact the US space program was largely built on the efforts of von Braun and others and it would be strange indeed if Australia, as one of the Allies, had not also partaken of the fruits of victory, one of which was scientific knowledge, especially since the nation embarked on an intensive mass-migration program after the war. It would have been foolish to have done otherwise.

There seems to be a view that every card-carrying member of the Nazi Party must necessarily have spent a great part of their time either overseeing mass atrocities or, if a scientist, conducting grotesque experiments on concentration inmates. This is just absurd.

From more than half a century later it is easy to sit in judgment on everyday people in Germany in the 1930s. Their country had had the ridiculously punitive Treaty of Versailles imposed on them, which virtually guaranteed subsequent political instability and a debilitating depression far worse than anything experienced in other western nations. This in turn made an Adolf Hitler and a totalitarian state almost inevitable.

The average person, whether a scientist or not, would have been sorely tempted to join the Nazi Party if it meant a chance to make a living and have a career rather than starve or worse, end up in a concentration camp themselves. How many Australians today would choose the morally preferable but infinitely harder option of defying an all-powerful party structure in the name of principle?

Of course there were also Germans who had no qualms about the ideology and even rushed to join the Nazi Party and probably some of them made it to Australia. How many of us would have resisted the all-pervasive indoctrination?

In the short course of this nation's history people from all over the world, with all sorts of backgrounds, have come here to forge a new life. Among their number are; eastern Europeans, South Africans, Vietnamese, Irish, British, Americans, Palestinians, Israelis, Indonesians, Chinese, Serbs, Albanians — the list could be extended considerably. Some of these people could have been involved in quite dubious activities before emigrating, either because of the nature of the regime in their homeland or because of war.

They might have been called terrorists or freedom fighters, official soldiers or police, Communists or Fascists, racists or fundamentalists. Or they might have just kept their mouths closed and done all the right things, just for the sake of themselves and their families, even though they knew all manner of atrocities were being committed. Many of them, like many Germans in the 1930s were weak rather than outright evil people.

Rather than lamenting from the comfort of our armchairs that so many people succumb to their weaknesses we should rejoice that so many others have the courage to speak out despite grave personal danger.

Toben blasts Amnesty from a German prison

DOCTOR Fredrick Toben has launched a scathing attack on Amnesty International for failing to acknowledge him as a prisoner of conscience.

Writing from the German prison where he is awaiting trial on charges of defaming the dead, Dr Toben informed the revisionist historical organisation, the Adelaide Institute, of which he is a director that Amnesty was morally and intellectually bankrupt.

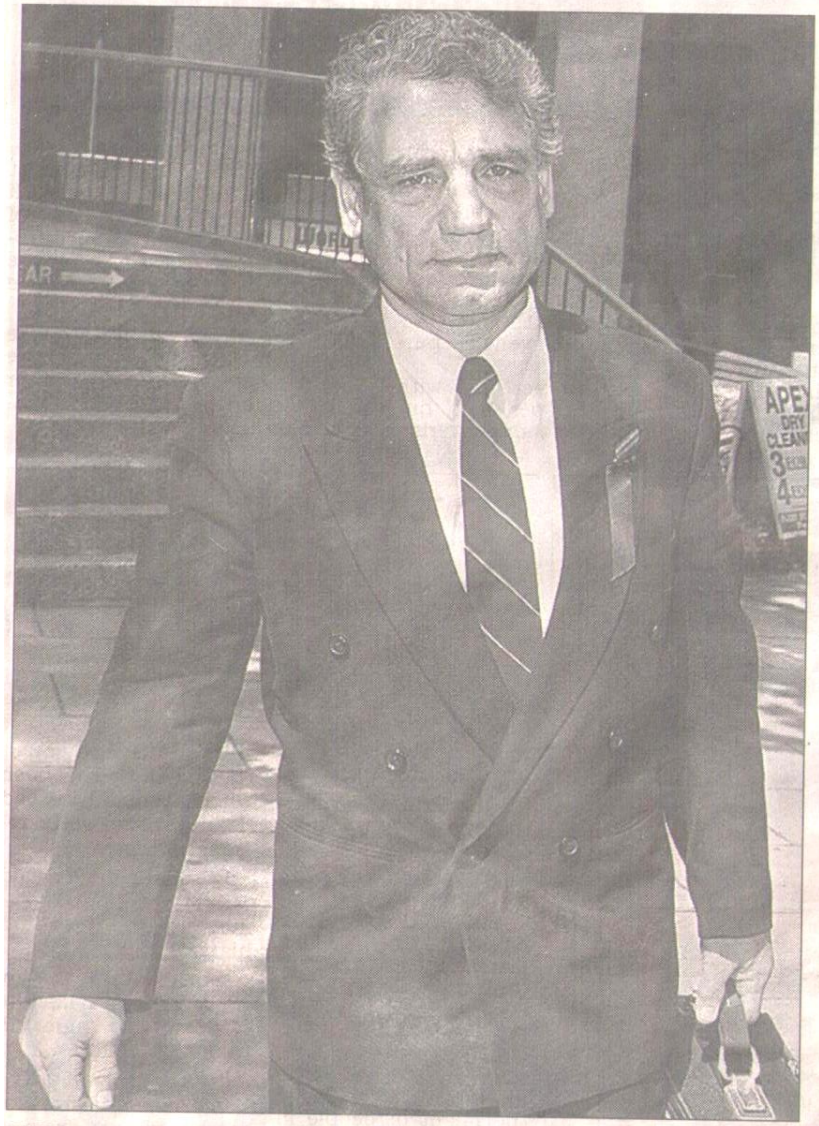
"Amnesty International is embracing an immoral and hypocritical policy. It is time to investigate its own politics," Dr Toben said.

"Its own behavior is immoral and it does not unconditionally defend anyone's right to free speech.

"In my case it has decided to tell lies and that is evil."

A former Wimmera school teacher, Dr Toben said he hoped students would think twice before they supported any Amnesty International activity.

ANTI-HOLOCAUST HISTORIAN RETURNS FROM GERMANY CLAIMING VICTORY



FIRM BELIEFS: Frederick Toben leaves an earlier hearing of the Human Rights Court which examined his Adelaide Institute website.

Fight was worth stay in prison

By SHERRILL NIXON

HOLOCAUST revisionist Fredrick Toben returned to Australia yesterday, claiming victory in his fight for freedom of speech despite being jailed for seven months in Germany.

The German-born director of the Adelaide Institute, who kissed the floor of the Adelaide International Airport on his arrival, said his small organisation was flourishing.

And, he would consider going on a national speaking tour to argue against federal racial hatred and Internet censorship laws that he claimed, would introduce German-style clamps on freedom of speech here.

Dr Toben, whose critics say he is trying to rehabilitate Nazism, said it had been worthwhile to spend seven months in Mannheim prison awaiting a trial on charges of incitement and insulting the memory of the dead.

The charges were laid after he challenged the severity of the Holocaust through letters and the Adelaide Institute website.

Last month, he was found guilty by a judge and sentenced to 10 months' jail – including time already served – but was released when a German supporter posted $5000 bail.

"It's been worth it. They've lost the plot, we have won the argument," Dr Toben said.

"They had to arrest me and silence me. They talk about us and not with us. If it's a battle – and I think it is – it's a massive battle we have won."

Dr Toben said "they" referred to Zionists and people who support the "story" of the Holocaust and the mass gassing of Jews in concentration camps.

In what he describes as a professional opinion, the Adelaide Institute website says: "We proudly proclaim that to date there is no evidence that millions of people were killed in homicidal gas chambers."

Dr Toben plans to return to Germany next year for the prosecutor's appeal brought on two aspects of the case – the leniency of the sentence and the judge's decision to punish Dr Toben only for the material in his letters, not on the Internet.

But he said the freedom of speech issue must also be raised here because Internet censorship and racial vilification laws would mean history would be judged in courts of law.

The institute faced an inquiry last year in the Human Rights and Equal Opportunity Commission after a complaint from the Executive Council of Australian Jewry about its website.